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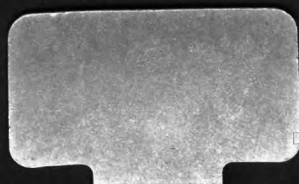
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Private Laws
PRIVATE LAWS
OF THE
TERRITORY OF KANSAS,

PASSED AT THE FOURTH SESSION

OF THE

LEGISLATIVE ASSEMBLY;

BEGUN AT THE

CITY OF LECOMPTON, ON THE FIRST MONDAY OF JANUARY,
1858, AND HELD AND CONCLUDED

AT THE

CITY OF LAWRENCE.

PUBLISHED BY AUTHORITY.

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PRIVATE LAWS,

PASSED AT THE FOURTH SESSION, 1858.

CHAPTER I.

EDMUND BURKE WHITMAN AND ANGELIA WHITMAN.

AN ACT divorcing Edmund Burke Whitman and Angelia Whitman.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the marriage contract between Edmund Burke Whitman and Angelia Whitman, be, and hereby is declared null and void, and that the said parties be, and hereby are divorced from the bonds of matrimony, and restored to all their rights and privileges the same as if said marriage contract had never existed.

Divorced from
the bonds of
matrimony &c.

This Act to take effect, and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

This Bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both Houses by the constitutional majority, it has become a law this the 11th day of February, A. D. 1858.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

CHAPTER II.

ABNER MORTON AND SUSAN, HIS WIFE.

AN ACT to Divorce Abner Morton and Susan, his wife.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Divorced from
the bonds of
matrimony &c.

SEC. 1. That the marriage relation heretofore existing between Abner Morton and Susan Morton, be, and the same is hereby dissolved, and that the said Susan Morton shall have all the rights and privileges of a single woman, and is hereby authorized to assume the name of Susan Collier, the same being her name before marriage.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

This Bill having been returned by the Governor with his objections thereto, and after reconsideration, having passed both Houses by the constitutional majority, it has become a law this the 11th day of February, A. D. 1858.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

CHAPTER III.

ANNE E. DELANGE.

AN ACT granting a Divorce to Anne E. Delange.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Divorced from
Augustus De-
lange.

SECTION 1. That Anne E. Delange, be, and hereby is divorced from her husband, Augustus Delange, and [is] hereby released from all the bonds of matrimony and incidents thereto, and is hereby restored to all the rights and privileges of a single woman, and has power to change her said name, and hereafter be known in her maiden name.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

This Bill having been returned by the Governor with his objection thereto, and after reconsideration, having passed both Houses by the constitutional majority, it has become a law this twelfth (12th) day of February, A. D. 1858.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

CHAPTER IV.

ST. PAUL'S EPISCOPAL CHURCH.

AN ACT to incorporate the St. Paul's Episcopal Church in the city of Leavenworth.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That John M. Fackler, Parmenas Dyer, James M. Bodine, H. Miles Moore, John O'Brien and their associates and successors, be, and they are hereby constituted a body corporate, under the name and style of the " Vestry of St. Paul's Episcopal Church of the city of Leavenworth," and by that name to have continual succession, and be capable of suing and being sued. Names of corporations.

SEC. 2. That the said corporation shall be capable of holding and conveying any estate, real, personal or mixed, for the use of this corporation, either by gift, grant, devise or purchase, not to exceed four hundred thousand dollars. Powers of corporation.

SEC. 3. That the said corporation shall have power to make all rules, by-laws and regulations, deemed necessary for the transaction of its business, and the government of its members, not inconsistent with the constitution of the United States, or the laws of this Territory. May pass by-laws &c.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 11, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER V.

BIG BLUE WOOLEN MANUFACTURING COMPANY.

AN ACT to Incorporate the Big Blue Woolen Manufacturing Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of cor-
porators.

SECTION 1. That George Miller, Anderson Todd, Arnold B. Watson, Scott Newell, Lorenzo Westover, their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the "Big Blue Wollen Manufacturing Company," and by that name shall be known in law, and shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters and in all courts. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may by them be deemed necessary for the government of its affairs, and for the transfer of its stock by each individual stock-holder.

Powers of com-
pany.

Capital stock.

SEC. 2. Said company shall have a capital stock of twenty-five thousand dollars, to be divided into shares of twenty-five dollars each, and shall have power to receive and collect subscriptions to such capital stock; hold and convey real estate, so much as may be necessary for the use of said company, not exceeding eighty acres, and do all other acts and things, and exercise all the rights and privileges generally appertaining to corporations.

May hold and
convey real es-
tate.

Rights and
privileges
granted.

SEC. 3. The right and privilege is hereby granted to the said company for the period of twenty-one years, to build and maintain a dam across the Big Blue river, at or within one mile of Unadilla Rapids, and to take the water out of the said river, or so much of it as shall be necessary to run the machinery of said

company, and convey the same in trunks and tanks, or otherwise, to any buildings or machinery owned by said company.

SEC. 4. All deeds for the conveyance of the real estate of said company, shall be signed by such officer as the said company shall designate; and when so signed, shall be deemed a good and sufficient execution and authentication of said deeds in all courts.

Of deeds of conveyance of the real estate.

SEC. 5. The said stock shall be deemed personal property.

Stock deemed personal property.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER VI.

CHEROKEE MINING COMPANY.

AN ACT to incorporate the "Cherokee Mining Company."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That R. W. Eddy, George A. Crawford, Jonas Edge, E. S. Lowman and Joseph Cracklin, and their associates and successors, are hereby constituted a corporation, under the name and style of the "Cherokee Mining Company," and by such title and name shall be competent to make contracts, to sue and be sued, to plead and be impleaded, in all cases whatsoever, whether in law or equity, in any and all courts of Kansas Territory, the same in all respects that a corporation may become a party as natural persons. The said company are authorized to have, and use a common seal, and break [or] alter the same at pleasure; to open and work any mine or mines of iron, lead, coal, or other mineral or ores that may be upon any lands that said company shall acquire within boundaries herein prescribed; have power and authority to erect forges, furnaces, foundries and manufactories of every nature or description that may be necessary to prepare the said ores and minerals for market. That the said company are hereby authorized to purchase, to take

Names of corporators.

Powers and authority conferred.

by grant, gift, donation or device, any number of acres of mineral land, not to exceed ten thousand acres, with the privilege of increasing the same, not to exceed twenty thousand acres, within the following boundaries in Kansas Territory, viz: Commencing at a point where the 38th parallel of latitude crosses the line between the Territory of Kansas and the State of Missouri, thence due west to the 20th degree of longitude; thence due south to the 37th parallel of latitude; thence due east to the point where the 37th parallel crosses the line between Kansas Territory and the State of Missouri; thence due north to the place of beginning; and to hold, convey, and mortgage the same at pleasure, with the same powers and authority in respect to such property as a natural person.

Authorized to survey and locate roads &c.

SEC. 2. That in addition to the powers and privileges contained in the 1st section of this Act, the said company are authorized to survey, lay out, construct and establish a road, or roads of plank, turnpike or railroad from the said works and premises of said company, to any point or depot, as shall be deemed necessary to facilitate the transportation of the product of such mines, or beds of ore, or of such manufactories which shall be owned, or shall have been erected by said company; *Provided*, that nothing in this section shall be so construed as to allow said company to construct roads, turnpikes or railroads, for any other purposes than such as are strictly within the general mining operations.

Proviso.

Of the capital stock.

SEC. 3. That the capital stock of said company shall be twenty-five thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, which capital shall be divided into shares of one hundred dollars each, and the holders of the same, shall be entitled to one vote, either in person or by proxy, in the election of the board of directors of said company.

Commissioners.

SEC. 4. That the individuals named in this Act of incorporation, or their associates, shall act as commissioners to procure subscriptions to the stock aforesaid, and for that purpose shall open books at such times and places after the passage of this Act, as they may deem proper. *Provided*, that said individuals acting as such commissioners, shall open the said books for subscription within three months from the passage of this Act. When two hundred and fifty shares shall have been subscribed, and five per cent. thereon actually paid in, the said commissioners shall give notice to the stock-holders of the fact, and shall appoint a time and place for the election of a board of directors.

Shall open books for subscriptions.

Proviso.

SEC. 5. That the commissioners, in the 4th section specified, after the passage of this Act, and before the opening of the books, for subscription to the stock of the said company, shall elect by ballot, one of their number as treasurer, whose duty it shall be to receive and give receipt for all moneys paid in upon the stock so subscribed. Before such treasurer shall be authorized to receive such money, he shall execute a bond, with sureties to be approved by the said commissioners, in the sum of fifty thousand dollars, and such additional sum thereafter as shall be fixed by the directors, conditioned for the faithful discharge of his duties, and for the safe and secure keeping of all money so paid in, and to pay the same over to the treasurer, thereafter to be elected by said company upon demand.

Commissioners shall elect a treasurer.

Duty of treasurer.

Treasurer shall execute a bond.

Conditions.

SEC. 6. That the management of the affairs of said company, shall vest in seven directors, who shall be stockholders, any four of whom with the president, shall constitute a quorum to do business. Such directors shall hold their office one year, and until their successors shall be elected and qualified.

Management of affairs vested in directors.

SEC. 7. That the board of directors, as soon as practicable after their election, shall proceed to elect by ballot, from among themselves, one person to be president for said company, one to be secretary, and one to be treasurer, and appoint such other subordinate officers as the by-laws of said corporation shall prescribe; and at pleasure may remove such treasurer, secretary or other subordinate officer or officers, and at any time fill any vacancy that may in any way happen. Such board of directors, shall have the full management, superintendence and control of the affairs of said company, and shall have power to make and prescribe such by-laws, rules and regulations not repugnant to the laws or the provisions of this Act, as they may deem needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and in case of vacancy in said board, by death or otherwise, the said board shall have power to fill such vacancy.

Board of directors shall elect officers.

Powers of directors.

SEC. 8. That the stock of said company, shall be assignable and transferable according to such rules, and upon such conditions as the board of directors may prescribe, and such stock shall be deemed personal property. *Provided*, that no transfer of stock shall be valid and effectual until registered in a book to be kept by the board of directors, for that purpose, which book at all reasonable hours, shall be open to the examination and in-

Stock shall be assignable &c.

Proviso.

spection of all stockholders, or persons having demands against the corporation, or any member thereof.

If any person wilfully injure or destroy any works &c.

SEC. 9. That if any person or persons, shall wilfully injure or destroy any of the works, buildings, erections, or manufactories of said company, or shall wilfully commit waste, or any manner of damage upon the lands of the said company. Such person or persons, so offending, shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the said company, double the amount of damages actually sustained, to be recoverable in any court having jurisdiction of the same in Kansas Territory.

Penalty.

Directors shall keep books &c.

SEC. 10. That the directors shall at all times keep, or cause to be kept, at some proper place, proper books of accounts, in which shall be entered, all the transactions of the said company, which books shall at all times be open to the inspection and examination of the stockholders of said company free of charge.

Treasurer to give bond.

SEC. 11. That the treasurer of said corporation, before entering upon his official duties, shall execute to the directors, a bond to be approved by them, conditioned for the faithful performance of his duties, and for the delivery to his successor in office, or to the said board of directors, all moneys, bonds, bills, notes, and all things which may come to his possession, as treasurer of said board of directors, and of said corporation. The treasurer shall keep a just account of all moneys paid out, and on what account, and render an account of all moneys paid out, and on what account, and render an account of receipts and expenditures of said corporation to said board of directors, as often as once in six months, all which books and accounts shall at any time, and at all seasonable hours of business, be open to each member of the board of directors, or any stockholders, who may obtain the permission of the president of the said board of directors free of charge.

Conditions.

Directors shall declare dividend.

SEC. 12. That it shall be the duty of the said board of directors, to make and declare a semi-annual dividend of the shares subscribed, of so much of the surplus profits arising from the business of said company, as they, or a majority of said board may deem advisable, which dividend shall be subject to the call of the stockholders, at any time after such dividend shall have been actually made.

May issue bonds

SEC. 13. That the said company may, for raising money, for the purposes of this incorporation, issue their bonds, in sums not less than fifty dollars, bearing not to exceed ten per cent. interest per annum, redeemable at any time that the board of direc-

tors may determine, after five years from the date of the issue thereof.

This Act shall take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved February 3, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER VII.

GHENT FOUNDRY.

AN ACT to Incorporate the Ghent Foundry.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. Bradley E. Vullington, Marshall Barry, David S. Westovers, John W. Robinson, Lorenzo Westover, and their associates and successors; are hereby constituted a body politic and corporate, by the name of "Ghent Foundry," and by that name shall be known in law, and shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters and in all courts. Said corporation is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of its affairs, and for the transfer of its stock by each individual stockholder.

Names of corporators.

Powers of company.

SEC. 2. [That] said corporation shall have a capital stock of twenty-five thousand dollars, divided into shares of twenty-five dollars each, and shall have power to receive and collect subscriptions to said stock, hold and convey real estate for the use of said corporation, not exceeding one hundred and sixty acres, and do all other acts and things, and exercise all the rights and privileges generally appertaining to corporations.

Of capital stock.

May hold and convey real estate.

SEC. 3. The exclusive right and privilege is hereby granted to the said corporation, for the period of thirty years, to build and maintain a *damm* across "Solomon's Fork," at, or within one

Exclusive right, &c., granted to build a dam, &c.

mile of "Birkshire Falls," and take out so much water as shall be necessary for manufacturing purposes and running machinery.

Of deeds, of conveyance, of the real estate, &c.

SEC. 4. All deeds for the conveyance of real estate of the said corporation, shall be signed by such officers as the said corporation shall designate, and when so signed, shall be deemed a good and sufficient conveyance of said estate, in all courts.

Stock deemed personal property.

SEC. 5. The said stock shall be deemed personal property. This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER VIII.

LEAVENWORTH HOTEL COMPANY.

AN ACT to Incorporate a Hotel Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of commissioners.

SECTION 1. That David Eckerd, N. McCracken, D. S. Tood, John Kerr, N. S. Knight, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Leavenworth Hotel Company, hereby incorporate, and they may cause books to be opened at such time and place as a majority shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving three weeks' notice of the time and place of taking subscription, in one or more public newspapers.

Shall cause books to be opened for subscription.

Capital stock.

SEC. 2. That the capital stock of said company shall be one hundred thousand dollars, in shares of fifty dollars each, and as soon as ten hundred shares, or more, shall be subscribed, and seven per centum paid thereon, the subscribers of such stock, and such other persons as shall associate with them, for that purpose, their successors and assigns, shall be, and they are declared and created a body corporate and politic, by the name and style of

the "Leavenworth Hotel Company," with perpetual succession; and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places; they shall be capable of purchasing, holding and selling, leasing and conveying real estate, personal and mixed, as far as may be necessary and proper for the construction, management and usefulness of a first class hotel in the city of Leavenworth, Kansas Territory; they may have a common seal, which they may alter or renew at pleasure, and generally, may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation.

Powers conferred on company.

SEC. 3. That the affairs of said company shall be managed by a board of seven directors, who shall be chosen by ballot, each share of stock being entitled to one vote, the votes to be delivered in person, or by proxy, duly authorized; which directors shall appoint a president, a secretary and a treasurer from their number, and for the purpose of electing the first directors, the said commissioners, or a majority of them, after the stock shall have [been] subscribed as provided in the second section of this Act, shall give three weeks' notice, in one or more public newspapers published in the city of Leavenworth, of the time and place by them appointed, for the subscribers or stockholders to meet for the purpose of electing directors, and annually thereafter, on the first Monday in March, the stockholders shall meet for the purpose of electing directors as aforesaid: *Provided*, That none but stockholders shall be elected directors.

Of Directors and their election.

Directors to appoint officers.

Commissioners to give notice of election for Directors.

SEC. 4. That a majority of said board of directors shall constitute a quorum for the transaction of business; they shall have power to make and establish such by-laws, rules, orders and regulations, as may be necessary for the management of the affairs of said company, to make such covenant, contracts, and agreements with any person or persons, co-partnerships or body politic whatsoever, as they may deem expedient and for the interest of the company.

Powers of Directors.

SEC. 5. That if, from any cause, an election for directors shall not be held at the time specified therefor, the same may be held at any other time, upon ten days' notice being published as aforesaid; and until such election, the directors of the preceding year shall continue to act, and the charter shall not be voided by reason of any irregularity or want of such election, and in case

If for cause the election is not held, &c.

Vacancies, how filled.

of vacancy from the death or resignation of any director, his place may be filled by the board of directors.

Authorized to borrow money.

SEC. 6. That the said company are hereby authorized in their corporate capacity, to borrow any sum or sums of money, from any person or persons, corporation or body politic of any kind, and make and execute in their corporate name all necessary writings, bonds, or other papers, and make, execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, for all purposes necessary in carrying out the objects of said company; and the official acts of said company are declared in law and equity [to be binding] upon said corporation, and upon all other parties to such contracts.

This Act a public Act.

SEC. 7. That this Act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public Act, and copies thereof, printed by the authority of the Territory, shall be received as evidence thereof.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER IX.

KANSAS FALLS WATER-POWER AND MANUFACTURING COMPANY.

AN ACT to Incorporate the Kansas Falls Water-Power and Manufacturing Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporations.

SECTION 1. That Edward P. Burgess, John Howil, Freeman N. Blake and Henry Danks, their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the "Kansas Falls Water-power and Manufacturing Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever, both in law and in equity, and shall have all the powers and privileges which are usually granted to such corporations, which may be necessary and proper for carrying the object of said company into full operation.

Powers of company.

SEC. 2. That the corporation hereby created, shall have power to purchase and hold any quantity of land in the vicinity of Kansas Falls, in the county of Riley, that may be necessary for the purpose of [the] corporation, not exceeding six hundred and forty acres.

Power to purchase and hold land.

SEC. 3. That said corporation shall have the exclusive right and privilege of building a dam across the Smoky Hill fork of the Kansas river, near the town of Kansas Falls, and of cutting and constructing such canals as may be necessary for their purpose.

Exclusive right and privilege to build a dam granted. May construct canals.

SEC. 4. That said corporation shall have the right of way over any land through which such canal may be constructed: *Provided*, said company shall pay all damages that shall be assessed by a jury empaneled for that purpose.

Shall have right of way.

SEC. 5. That said company shall have power to pass by-laws for the government of said company.

May pass by-laws.

SEC. 6. That this charter shall continue for and during the term of thirty years.

Duration of charter.

SEC. 7. This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER X.

KANSAS TELEGRAPH COMPANY.

AN ACT to Incorporate the Kansas Telegraph Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of cor-
porators.

SECTION 1. That William H. Russell, O. F. Renic, George W. McLane, George W. Perkins, Thomas Ewing, Jr., Robert L. Ream, Henry J. Adams, A. G. Whiting, (of New York) H. Miles Moore, Samuel Harsh, E. L. Berthoud, Auby Macaulay, M. J. Parrot, H. B. Denman, J. M. Terrill, S. N. Latta, A. Whitney, Jeremiah Clark, Champion Vaughan, John Kerr, J. Harvey Day and George C. Knight, their associates and assigns, who have acquired or may acquire the right to use and have either Morse's, House's or Bain's electro-magnetic telegraph, are hereby created a body politic, under the name of the "Kansas Telegraph Company, for the purpose of erecting and managing a line of telegraph, extending from a point on the eastern boundary of Kansas, where it may connect with a line extending eastward to St. Louis, to Leavenworth city, and to a point north, on the north boundary of Kansas, or to any intermediate point, as the company may elect; and, also, it shall be lawful for the company to erect a line, as a branch, to Lawrence, or west to Fort Riley, or the west boundary of Kansas Territory, and that, upon a proper organization of said company being made, it shall be lawful for said company's directors and president to open books of subscription for stock in said company, and also to make and publish assessments upon said stocks to be employed in erecting said telegraph line; and, upon the non-payment of said assessments within 30 days, it shall be lawful for said company to sue and recover said amount from said delinquent stockholders, and upon non-collection by said company, then the stock to be forfeited by delinquent stockholders.

Powers confer-
red.

Of shares in the
capital stock.

SEC. 2. That the shares in the capital stock of said company, shall be twenty-five dollars each, and shall be issued at the rate of eight shares per mile of telegraph, put in operation or construction: *Provided*, That at no time shall the company be authorized to advertise for building said line, or begin any part thereof, until ten (10) per cent. of the above amount per mile has been paid in upon the line that is contemplated to be erected, but it shall be at the discretion of all the stockholders, whether

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more than the above amount of stock be issued for any one mile or miles of said telegraph line.

SEC. 3. That whenever the associates, or a majority of them, choose, a meeting of said associates shall be advertised not less than two weeks, and at their meeting they shall elect nine directors, who will elect a chairman, also pass such rules and by-laws as shall seem fit for the proper management of said company's affairs, and shall also appoint a secretary and treasurer, and other agents and officers; said board of directors to continue in office one year; shall be voted for by ballot, each share being entitled to one vote, and shall make a yearly exhibit to the stockholders of the condition of the company's affairs; said exhibit to be made the first Monday in June, of each year.

Of Directors and their election.

Officers to be appointed.

SEC. 4. That it shall be lawful for any city, county, or incorporated company, to subscribe to the capital stock of said telegraph company, and to be represented by their agent or attorney.

Cities and counties may subscribe to stock.

SEC. 5. That the Kansas Telegraph Company shall have the right to pass any stream, road, or street of this Territory, without being subject to indictment as a nuisance, or be abated by any private person or company: *Provided*, That the fixtures in such case, be so placed as not to interfere, or interrupt, or endanger, in any way, the proper use of said stream, road or street, or with the proper use of any premises, by any land owner: *Provided*, That no person or company shall be entitled to sue for or recover damages as aforesaid, until said corporation, after due notice in writing, shall have failed to remove, or change said fixtures complained of; and notice given any agent shall be sufficient notice in the premises.

Telegraph may pass streams, roads &c.

SEC. 6. That said company shall have the right to sue and be sued, complain or defend, in any court of law or equity, to make and use a common seal, alter the same at pleasure, purchase, hold, receive, or dispose of real estate, for the lawful purposes of said company, or convey the same when no longer required.

Powers granted to company.

SEC. 7. That the company shall keep its office open not less than six hours every day, to keep all communications strictly confidential, to give preference in all cases to public dispatches when the country is in a state of *war, sedition or riot*, or for the prevention of crime, or the arrest of persons on suspicion thereof; said company shall also have power to sue and recover damages for injury or interruption to said line, to the full amount of time lost and repairs, and a fine besides, of \$500,

Concerning dispatches, &c.

and on non-payment of damages, by imprisonment not less than three nor more than twelve months.

Shall complete the line within three years.

SEC. 8. This act to be in full force and effect from and after its passage, and if said company fail to organize under this Act, and to complete said telegraph line or lines, within three years, the charter to be forfeited.

Penalty for revealing information.

SEC. 9. That if said company shall, at any time, improperly impart information which should be regarded as strictly confidential, it shall work a forfeiture to this charter, and said company shall be liable for all damages arising therefrom.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XI.

PATENT BRICK AND STONE MANUFACTURING COMPANY.

AN ACT to incorporate the Leavenworth Patent Brick and Stone Manufacturing Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporators.

SECTION 1. That Joseph Haines, William Smith, James Campbell, Geo. Douglas and others, who shall hereafter become associated with them, by subscribing to the capital in the corporation hereby created, and their successors and assigns, shall be and are hereby constituted and made a body corporate, by the name and style of the "Leavenworth Patent Brick and Stone Manufacturing Company," and by that name shall be capable in law and equity, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions and causes; may have a common seal, which they may alter at pleasure, and by that name shall be capable of purchasing, holding and conveying any estate—real, personal or mixed—for the use and benefit of said corporation: *Provided*, The real estate to be held by this corporation at any one time, shall not exceed the sum of one hundred thousand dollars.

Powers of company.

SEC. 2. That the capital stock of said company shall be divided into shares of one hundred dollars each, which shares and stock shall be deemed personal property, and may be transferred in such manner as the by-laws of the company may prescribe, and said company shall have power to make such by-laws as its board of directors may deem necessary from time to time, not inconsistent with the laws of the United States, or of this Territory.

Capital stock,
May make by-laws, &c.

SEC. 3. That said corporation shall have power to manufacture bricks or earthen, or stone-ware, or stone blocks or slabs, and sell and dispose of the same at pleasure, and may construct such buildings and machinery as may be required in the business operations of said company, on any lands which may hereafter be owned by the company.

May manufacture brick, &c.

SEC. 4. That the property and affairs of said corporation shall be managed and conducted by a board of not less than three, nor more than five directors, a majority of whom shall constitute a quorum for the transaction of business, and who shall be elected annually after the present year, by the stockholders, at such time and place, and under such regulations as shall be prescribed by the by-laws, or adopted by resolution of the board of directors; and at all such elections, each stockholder shall be entitled to one vote for each share of stock held by him in said corporation, and may vote the same in person or by proxy, duly authorized: *Provided*, That no person shall be elected a director, who shall not, at the time, be a stockholder in said company.

Of Directors and their election.

Directors to be stockholders.

SEC. 5. That the corporators named in the first section of this Act, viz.: Joseph Haines, William Smith, James Campbell, Geo. Douglas, are hereby declared to be the first board of directors, whose term of office shall continue for one year from the passage of this Act, (unless in case of death or resignation) and until their successors shall be elected as aforesaid, and the board of directors of said company shall, at all times, have power to fill vacancies in their body, and of prescribing the number of the board, and the mode and manner of calling elections for directors, and conducting the same, and also to prescribe the kind and number of officers to manage its affairs generally; and, also, may open books for subscription to the capital stock, and receive subscriptions thereto, at such time and in such manner, and upon such terms, as the board of directors shall determine by resolution or otherwise.

Names of members of first Board of Directors.

Have power to fill vacancies.

Powers of Directors.

This Act shall take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

This Bill having been returned by the Governor with his objections thereto, and after reconsideration, having passed both Houses by the constitutional majority, it became a law on this 12th day of February, A. D. 1858.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

CHAPTER XII.

LEAVENWORTH CITY WATER-WORKS COMPANY.

AN ACT to Incorporate the Leavenworth City Water-Works Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of cor-
porators.

SECTION 1. That the present members of the Leavenworth City Water-Works Company, that is to say, S. N. Latta, J. Williams, Cyrus F. Currier, John C. Douglas, D. D. Cook, A. W. McCauslin, J. B. Irwin, James McCahon, J. P. Hatterschiedt, Geo. H. Keller, N. McCracken, J. C. Green, Champion Vaughn, R. N. Sherwood, Gaius Jenkins, H. Miles Moore, together with such other persons as hereafter may be admitted as members thereof, in the manner hereinafter provided, their successors and assigns, shall, and are hereby made and constituted a body politic and corporate in fact and in law, by the name, style and title of the "Leavenworth City Water-Works Company," and by that name, style and title, shall have continued succession, and shall be empowered with all the legal incidents to a corporation aggregate: *Provided*, That the real estate by them to be held, shall be only such as shall accommodate the corporation in the transaction of the business thereof, or shall be taken and held in security for the payment of debts due to said corporation, and that no by-laws, to be made by the said

Powers granted

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corporation, shall be repugnant to the constitution and laws of the United States, or the laws of this Territory, and the capital employed shall be one hundred thousand dollars, but may be increased from time to time to five hundred thousand dollars.

SEC. 2. That on the first Saturday of June, one thousand eight hundred and fifty-eight, and on the same day in each year thereafter, the members of said company, consisting of a president, secretary, treasurer and five managers, who, together, shall constitute a board, and any five of them form a quorum to transact the business of the company, and who shall continue in office one year, or until their successors are chosen and qualified, and in the event of a failure to elect on the day herein appointed, the election shall be held as soon thereafter as practicable, giving at least ten days notice of the time and place of election and until the first election hereby authorized, and until successors shall be chosen as herein directed, S. N. Latta as president, James McCahon, secretary, Geo. Keller as treasurer, and D. D. Cook, John C. Douglas, Cyrus F. Currier, Gaius Jenkins and J. P. Hatterschiedt, as managers of said company, with power to transact all the business hereinafter enjoined by the by-laws on the officers of the corporation.

Officers—their election, &c.

Names of officers.

SEC. 3. That all general meetings of the company shall be held at such times and places as shall be provided in the by-laws, and in all elections, and on all questions arising at a meeting of stockholders, each stockholder shall be entitled to one vote for every share of *bona fide* stock held by him or her, and can either vote in person or by proxy, and twenty-five dollars shall constitute a share.

Meetings of the company.

SEC. 4. That the board of managers shall have power, from time to time, to erect and repair such works as shall be necessary to supply a sufficient quantity of water to any building in the city of Leavenworth, by means of pipes, trunks, aqueducts, or other means, and also *provide* proper cisterns or reservoirs for the reception thereof, and for these purposes they may enter into such lands or enclosures as may be necessary to dig, ditch, and lay pipes and trunks through the same, doing as little damage as possible to private property, and paying for whatever damage may be done by them. In case the parties cannot agree according to an assessment made under oath or affirmation by three disinterested persons, to be appointed on application to the Probate Court in and for the county of Leavenworth; and the company shall, at all times, paying damages as aforesaid, have the

Powers conferred on the board of managers.

liberty to renew and repair the pipes and trunks which have already been laid, or which shall hereafter be laid on and through private property, and also have liberty, at all times, to dig and lay pipes or trunks along roads and highways, and along streets and alleys of the said city of Leavenworth, and to renew and repair the same, shutting up and mending any breach which they may respectively make, as soon as possible; and it shall be lawful for them to make cisterns and reservoirs, and set hydrants in the streets and public grounds in the city of Leavenworth, when it may be deemed necessary: *Provided*, That in all cases when the damages assessed in the manner provided for in and by this section, shall exceed the sum of one hundred dollars, either party may, within thirty days after such assessment shall be made, and notice thereof given to the parties, appeal to the said Probate court of the county of Leavenworth; and in every case in which such appeal has been taken, like proceedings may be had as in other cases in said court.

Shall erect hydrants, &c.

Powers and privilege granted.

SEC. 5. That the board of managers shall, in such streets or parts of said city of Leavenworth, when pipes or trunks shall have been laid, erect hydrants to be used for the purpose of extinguishing fires, and shall have liberty to supply or suffer individuals to be supplied for domestic or manufacturing uses, for such reasonable compensation as shall be agreed upon by the municipal authorities of said city of Leavenworth, and said individuals, according to certain uniform rates, shall be determined by the municipal authorities of said city of Leavenworth, having regard to the probable quantity of water which applicants are likely to consume, and said company shall have power to lease or rent out any surplus steam or water-power that may be found to exist, after the purpose of providing water for the inhabitants of the city of Leavenworth shall have been obtained; and any person or persons within the said city, who shall take any of the said water for any purpose or use whatever, without having previously contracted for the same with said company, shall forfeit and pay for every such offence, the sum of three dollars to said company, to be recovered before a justice of the peace, in the same manner as debts of equal amounts are recoverable; and any person or persons who shall wilfully destroy or injure, in any way, the pipes, cisterns, aqueducts, reservoirs, machinery, buildings, hydrants, or any of them, or any of the works of said company, or shall wilfully corrupt or otherwise render unwholesome the water brought or conveyed, or to be brought or con-

veyed in the city of Leavenworth by said company, or the stream or streams from which the same is brought, or to be brought, shall, upon conviction before a justice of the peace, be deemed guilty of a malicious mischief, and be liable, moreover, to the company, for damages sustained by such injury.

SEC. 6. That the company shall procure a common seal, and the certificates of stock, and other official acts, shall be authenticated by affixing the same; and the president and managers procure certificates for all the shares of stock of said company, and shall deliver one such certificate, signed by the president, countersigned by the secretary, and sealed as aforesaid, unto each person for the number of shares held by him or her, as soon as twenty-five dollars shall be paid on each share; and every such certificate shall be transferable in person, or by attorney, duly authorized in the presence of the president or secretary of said company.

Shall procure a common seal. Of certificates of stock, &c.

SEC. 7. The said company, whenever the debts of the corporation shall have been paid, and the income shall exceed the expenses of the company, may, if deemed advisable, collect a contingent fund not exceeding two thousand dollars, or declare a dividend semi-annually, not exceeding fifteen per centum on the stock paid in, on the second Saturday in January and July, in each year, and shall publish said dividend, and the place where it will be paid, and shall cause the same to be paid accordingly.

May declare dividend, &c.

SEC. 8. That said company shall commence operations upon said water-works, within two years from the passage of this bill. The Legislature reserves the right to alter and amend this charter at any time hereafter.

Shall commence on said works in two years.

This Act to be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 6, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XIII.

LEAVENWORTH GAS LIGHT COMPANY.

AN ACT to Incorporate the "Leavenworth Gas Light Company."

PREAMBLE.

Preamble.

Whereas, the mayor and councilmen of the city of Leavenworth, have given the necessary permit to the above association to locate said establishment in said city, and to run their pipes through the same, and have given them the exclusive privilege so to do, on certain conditions and under certain restrictions as appears by an ordinance, approved by the Mayor and attested by the city register of said city, dated the 28th day of July, A. D. 1857, and to which reference is hereby had; *And, whereas*, Henry Foote, Abel Whitney, Edmund R. Eaton, Henry Hart, have applied to this Legislature to be incorporated, the more effectually to enable them to accomplish the said object of their organization; Therefore:

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporators.

SEC. 1. That the above named Henry Foote, Abel Whitney, Edmund R. Eaton, Henry Hart and their associates, be, and they hereby are created a body politic and corporate, with perpetual succession, by the name and style of the Leavenworth Gas Light Company, and by that name, they and their successors shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in all courts and places, and in all matters whatsoever, with full powers to acquire, hold, occupy, convey and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the management and good government of the same, and they may have a common seal, and may alter and renew the same at pleasure.

Powers of company.

May manufacture and sell gas &c.

SEC. 2. The corporation hereby created, shall have full power and authority to manufacture and sell gas, to be made from any or all the substances, or combination thereof, from which inflammable gas is usually obtained; and to be used for the purpose of lighting the city of Leavenworth or the streets thereof, and any buildings, manufactories, public places or houses therein contained; and to erect all necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in any of the streets

and avenues of said city; *Provided*, that the said corporation shall so conduct their works as not to create any nuisance, and that no permanent injury or damage shall be done to any street, lane or highway in the said city.

SEC. 3 The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid for, in such manner and proportion as shall be prescribed by the by-laws and rules of said company. Capital stock.

SEC. 4. The stockholders shall have power to make such by-laws and rules for regulating the affairs of said company, as they shall think proper and necessary, respecting the management and disposition of the stock, property and estate of said company, the duty of the officers, artificers, and agents, to be employed, the number and election of directors, and all such matters as appertain to the concerns of said company. May make by-laws &c.

SEC. 5. For the purpose of carrying out the objects contemplated by this Act, the said association may, in their discretion, invest in such public or private stocks, or in the purchase of real estate, whatever surplus capital funds or net profits may from time to time accumulate in the hands of the association, or in such other manner as to the officers thereof will appear best calculated to promote the interest of the association. May purchase real estate.

SEC. 6. This act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 3, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER XIV.

GRANTING CERTAIN PRIVILEGES.

AN ACT Granting Alexander Repine, Frank Paupitz, and their associates and assigns, certain privileges.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SEC. 1. That Alexander Repine, and Frank Paupitz, and their associates, heirs, executors, administrators and assigns, shall Exclusive right and privilege granted.

have the exclusive right and privilege, for the period of five years from and after the passage of this Act, of keeping, maintaining, and using a line of omnibuses from the city of Leavenworth to Fort Leavenworth, in Leavenworth county, and no other person or persons shall be allowed to convey passengers from said city to said Fort, in public carriages or vehicles for hire, except any person or persons, who may think proper to carry passengers for hire from any other point, by way of Leavenworth City to Fort Leavenworth, or by way of Fort Leavenworth, to said Leavenworth City or either place.

Required to
make two trips
each day.

SEC. 2. That said Repine and Paupitz are hereby allowed and required to run a daily line of omnibuses, Sundays excepted, at least two trips each way on each day, with two or four horses attached thereto, between said places.

Rates to be
charged.

SEC. 3. That said Repine and Paupitz are hereby authorized and allowed to charge the sum of twenty-five cents for each passenger carried in said carriages between said points, and shall hold themselves in readiness at all times, Sundays excepted, during the hours of daylight, to convey all passengers that may desire to be conveyed between said points.

Failure to fulfil
the require-
ments.

SEC. 4. That if the said Repine and Paupitz shall neglect or fail for three days, to fulfil the requirements of the second section of this Act, then all the rights acquired by them under this Act, shall be forfeited.

This Act to take effect and be in force from and after its publication, in some newspaper in Leavenworth City, for two successive weeks.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved January 30, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XV.

SALINE SMELTING AND SALT MANUFACTURING COMPANY.

AN ACT to Incorporate the "Saline Smelting and Salt Manufacturing Company."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SEC. 1. That Cha's. D. Miller, David L. Westover, Fred. Curtis and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of "the Saline Smelting and Salt Manufacturing Company," and by that name shall be known in law, and shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters and in all courts. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may by them be deemed necessary for the government of its affairs, and for the transfer of its stock by each individual stockholder.

Names of corporators.

Powers of company.

SEC. 2. Said company shall have a capital stock of ten thousand dollars, to be divided into shares of twenty-five dollars each, and shall have power to receive and collect subscriptions to such capital stock, and hold and convey real estate, so much as may be necessary for use of said company not exceeding eighty acres, and do all other things, and exercise all the rights and privileges generally appertaining to corporations.

Capital stock.

May hold and convey real estate &c.

SEC. 3. The right and privilege is hereby granted to said company for the period of twenty-one years, to build and maintain a dam across the Saline river, at or within one mile of Magnolia Rapids, and to take so much of the water out of said river, as shall be necessary for the use of said manufacturing company, and to convey the same to any buildings, aprons, or machinery of said company.

Rights and privileges granted.

SEC. 4. All deeds for the conveyance of the real estate of said company, shall be signed by such officer as the said company shall designate, and when so signed, shall be deemed a good and sufficient execution and authentication of said deeds in all Courts.

Of conveyance of real estate &c.

SEC. 5. The said stock shall be deemed personal property. This Act to take effect and be in force from and after its passage.

Stock deemed personal property.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER XVI.

" STUBBS."

AN ACT to Incorporate the " Stubbs."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporators.

SEC. 1. That Joseph Cracklin, A. Cutler, Geo. F. Earle, John G. Crocker, Caleb S. Pratt, A. Gunther and A. D. Searl, their associates and successors, shall be, and are hereby incorporated, and made a body politic by the name and style of the " Stubbs," and by that name and style, they and their successors and assigns shall have continual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered, in any court of this Territory or of the United States ; and they and their successors may have a common seal, and may make and alter the same at pleasure, and they and their successors as a body corporate, by the aforesaid name and style, shall be competent and capable of purchasing and receiving by donation, gift, grant or devise, holding, mortgaging and conveying any property or estate whatsoever, real, personal or mixed, not to exceed six hundred and forty acres, or lease, rent, or improve the same, in such manner as shall be necessary to promote the objects of said corporation.

Powers of company.

Objects of corporation.

SEC. 2. The objects of said corporation shall be, to act as a volunteer military company, under the laws of the Territory.

May make constitution and by-laws.

SEC. 3. That said corporation shall have the power to ordain a constitution and by-laws for the government of the members thereof, and to alter or amend the same at pleasure ; *Provided*, that nothing in such constitution or by-laws, shall be repugnant to the laws of the Territory.

Proviso.

Membership.

SEC. 4. That any person may be a member of this corporation who shall be elected by the members of said company, and may continue such membership by complying with the laws and constitution thereof.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER XVII.

BRIDGE ACROSS THE LITTLE ARKANSAS.

AN ACT authorizing E. F. Gregory and others, to Build a Bridge.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SEC. 1. From and after the passage of this Act, the sole and exclusive privilege, is hereby granted to E. F. Gregory and his associates, and their assigns, for the period of twenty-one years, to build, erect, and construct, a bridge across the Little Arkansas river, where the Santa Fe road from Westport in Missouri, to Santa Fe crosses the same; *Provided*, that said bridge shall be completed within one year.

Sole and exclusive privilege to build a bridge, granted

SEC. 2. Said company shall at all times maintain a good and sufficient bridge, at said point, and [keep] the same repaired, and at all times held in readiness for the accommodation of the traveling public, and no other person or persons whatsoever, shall be permitted to build or maintain a bridge or ferry within four miles of said crossing, within said term of years.

Bridge to be kept in good repair &c.

SEC. 3. Said company are hereby authorized to demand and receive, the following rates of toll, until otherwise established by law, to wit: For every wagon or other vehicle, fifty cents; for every animal attached thereto, ten cents; for every loose or drove head of horses, cattle; mules or jacks, ten cents; for every head of swine, sheep and goats, and for every person, five cents; and no more.

Rates of toll.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XVIII.

BLUE RIVER BRIDGE COMPANY.

AN ACT to Incorporate the Blue River Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Privileges granted &c.

SECTION 1. That the right and privilege of building and maintaining a bridge across the Big Blue river, at or within five miles of the city of Manhattan, is hereby granted, for the period of twenty-one years, to Henry E. Bartlet, Stephen S. Boyle, Gabriel S. Mead, Platt Townsend, and James S. McLaurey, or their successors or assigns, or such persons as may be associated with them for that purpose.

Authorized to form a company.

SEC. 2. Said Henry E. Bartlet, and the other persons named in the foregoing section, or a majority of them, are hereby authorized to form a company, to be known as the Blue River Bridge Company, the capital stock of which shall be seventy-five thousand dollars, to be divided into shares of fifty dollars each, and shall have power to prescribe by-laws for the regulation of said company, receive and collect subscriptions to such capital stock, establish and collect tolls for crossing said bridge, sue and be sued, hold and convey real estate, so much as may be necessary for the construction of said bridge, and do all other acts and things, and exercise all the rights and privileges generally appertaining to such corporations.

Capital stock.

Powers of corporation.

Rates of toll.

SEC. 3. The rates of toll on said bridge, shall not exceed the average rates on the several ferries across said river, established by law, nor shall said bridge be so constructed as to prevent the navigation of said river by steamboats.

Must be built in three years:

SEC. 4. Unless this bridge be built within three years, this act shall be void.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XIX.

COTTONWOOD BRIDGE COMPANY.

AN ACT to Incorporate the Cottonwood Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the exclusive right and privilege of building and maintaining a bridge across the Cottonwood river, at or within five miles of the town of Emporia, is hereby granted, for the term of fifteen years, to Solomon C. Brown, Curtiss Hiatt, Robert Logan, C. C. Slocum, E. P. Bancroft and P. B. Plumb, or their assigns, or such persons as may be associated with them for that purpose.

Exclusive right granted to whom.

SEC. 2. That said Solomon C. Brown, and the other persons named in the foregoing section, or a majority of them, are hereby authorized to form a company, to be known as the Cottonwood Bridge Company, the capital stock of which shall be ten thousand dollars, to be divided into shares of fifty dollars each, and shall have power to prescribe by-laws for the regulation of said company, receive and collect subscriptions to such capital stock, establish and collect tolls for crossing said bridge, sue and be sued, hold and convey real estate, so much as may be necessary for the construction of said bridge, and do all other acts and things, and exercise all the rights and privileges generally appertaining to corporations.

Authorized to form a company

Capital stock.

May prescribe by-laws &c.

SEC. 3. That the rates of toll on said bridge shall be determined by said company, and shall not be unreasonable.

Of rates of toll.

SEC. 4. That if at any time after the construction of said bridge, the county commissioners, or the proper authorities of the county, in which said bridge shall be built, shall desire to purchase the same for the county, that the company shall sell the bridge to said commissioners for a reasonable sum, to be agreed upon by the parties.

County commissioners may purchase bridge when.

SEC. 5. That unless this bridge be built within three years, [this Act shall be void.]

To be built in three years.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 6, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER XX.

EASTON BRIDGE COMPANY.

AN ACT to Incorporate the Easton Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Privilege granted to build bridge, to whom.

SECTION 1. That the right and privilege of building and maintaining a bridge across the Stranger Creek, at or near the town of Easton, is hereby granted for the period of twenty years, to Armistead Dawson, P. Chadwick, Thomas A. Minard, William Mackey and John Gallagher, or their heirs, assigns, or such persons as may be associated with them for that purpose.

Authorized to form a company

SEC. 2. That said Armistead Dawson, and the other persons named in the foregoing section, or a majority of them, are authorized to form a company, to be known as the Easton Bridge Company, the capital stock of which shall be four thousand dol-

Capital stock.

lars, to be divided into shares of fifty dollars each, and shall have power to prescribe by-laws for the regulation of said company, receive and collect subscriptions to such capital stock, establish and collect tolls for crossing said bridge, sue and be sued, hold and convey real estate, adjacent to said bridge, sufficient for the purposes herein mentioned, not to exceed one hundred and sixty acres, or a quarter section.

Powers of company.

Of rates of toll.

SEC. 3. That the rates of toll on said bridge shall be such as shall be prescribed by the Board of County Commissioners of Leavenworth County.

To be commenced in three years.

SEC. 4. That unless said bridge be commenced within three years after the passage of this Act, then this Act shall be void; *Provided*, nothing in this Act shall be so construed as to permit any obstruction to be placed in the natural crossing of said stream.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER XXI.

BRIDGE ACROSS INDEPENDENCE CREEK.

AN ACT to Authorize Jacob N. McCall, Egbert M. Lee, and others, to build a Bridge across the Independence Creek.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Jacob N. McCall, Egbert M. Lee, A. J. Allison, Benj. Wrigley and E. W. Stratton, members of the Kansas Express Stage Company, their associates in said company, their successors and assigns be, and they are hereby authorized to erect a toll bridge across the Independence creek, within two miles above its junction with Deer creek.

Names of corporators.

Authorized to erect bridge.

SEC. 2. That the parties aforementioned shall erect a good and substantial bridge, and keep the same in good repair, so as to render the crossing thereon safe and convenient; and may charge, demand and receive the following rates of toll, until otherwise directed, to wit: For each footman, five cents; for each man and horse, ten cents; for each single horse, mule, jack or jennet, or other stock, five cents; for each one horse carriage or buggy, fifteen cents; for each two or four horse carriage, buggy or wagon, twenty-five cents; for each six horse or oxen wagon, thirty-five cents.

To be kept in good repair.

Rates of toll.

SEC. 3. That if the parties aforementioned shall suffer said bridge to go to decay, so as to render crossing thereon unsafe, or shall suffer said bridge to remain out of repair for the space of thirty days at any time, the privilege herein granted shall cease.

If bridge is allowed to go to decay, &c.

SEC. 4. That the tribunal transacting county business for the county including said bridge, may change the rates of toll, from year to year, as it deems proper.

Rates may be changed, by whom.

SEC. 5. That the rights and privileges herein granted shall be exclusive, and continue for the term of fifteen years, and no longer.

Exclusive right granted.

SEC. 6. That said bridge shall be commenced within six and completed within eighteen months after the passage of this Act.

When commenced and completed.

SEC. 7. That a non-compliance with the provisions of this Act shall work a forfeiture of this charter.

Non-compliance.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved February 11, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER XXII.

KANSAS FALLS BRIDGE COMPANY.

AN ACT to Incorporate the Kansas Falls Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Privileges
granted, &c.

SECTION 1. That the right and privilege of building and maintaining a bridge across the Smoky Hill Fork of the Kansas River, not more than five miles above or below the town of Kansas Falls, is hereby granted, for the period of twenty-one years, to Edward B. Burgis, John Harvie, Henry Danks and F. N. Blake, or their assigns, or such persons as may be associated with them for that purpose.

Authorized to
form a company

SEC. 2. That said corporators, or a majority of them, are hereby authorized to form a company, to be known as the Kansas Falls Bridge Company, the capital stock of which shall be twenty-five thousand dollars, to be divided into shares of one hundred dollars each; and shall have power to prescribe by-laws for the regulations of said company, receive and collect subscriptions to such capital stock, establish and collect tolls for crossing said bridge, sue and be sued, hold and convey real estate, so much as may be necessary for the construction of said bridge, and do all other acts and things, and exercise all the rights and privileges appertaining to corporations.

Capital stock.

Powers of com-
pany.

Rates of toll.

SEC. 3. That the rates of toll on said bridge shall not exceed the average of the rates on the several ferries across said river, established by law.

SEC. 4. This act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved, February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XXIII.

KANSAS RIVER BRIDGE COMPANY.

AN ACT in Relation to the Kansas River Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the charter of the Kansas River Bridge Company, approved August 30, 1855, and the organization of said company, effected at Tecumseh, on the 29th day of May, 1857, are hereby confirmed. Charter confirmed.

SEC. 2. That the time for the completion of the bridge, provided for in said charter, is hereby extended one year, viz : until August 30, 1859. Time extended.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 11, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER XXIV.

LAWRENCE BRIDGE COMPANY.

AN ACT to Incorporate the Lawrence Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the exclusive right and privilege of building and maintaining a bridge across the Kansas (or Kaw) river, at the city of Lawrence, is hereby granted, for the period of twenty-one years, to C. W. Babcock, S. B. Prentiss, James Christian, Josiah Miller, Joel K. Goodin, Marcus J. Parrott, James F. Leggate, or their assigns, and such persons as may be associated with them for that purpose. Privilege to build bridge, to whom granted.

SEC. 2. Said C. W. Babcock, and the other persons named in the foregoing section, and their associates, or a majority of them, Authorized to form a company

are hereby authorized to form a company, to be known as the
Capital stock. Lawrence Bridge Company, the capital stock of which shall be
 three hundred and seventy-five thousand dollars, to be divided
 into shares of one hundred dollars each; and shall have power to
By-laws, &c. prescribe by-laws for the regulation of said company, receive
 and collect subscriptions to such capital stock, establish and col-
 lect tolls for crossing said bridge, sue and be sued, and hold and
 convey real estate, adjacent to said bridge, sufficient for the pur-
 poses herein mentioned, not to exceed one hundred and sixty
 acres, or a quarter section.

Rates of toll, by whom fixed. SEC. 3. The rates of toll on said bridge shall be such as shall
 be prescribed by the Board of County Commissioners of Douglas
 county, and said bridge shall be constructed so as not to prevent
 the navigation of said river by steamboats.

Bridge to be commenced within three years. Act repealed. SEC. 4. Unless said bridge shall be commenced within three
 years, this Act shall be void. An Act entitled "An Act to In-
 corporate the Lawrence Bridge Company," approved February
 17, 1857, is hereby repealed.

This Act to take effect from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XXV.

MANHATTAN AND KANSAS RIVER BRIDGE COMPANY.

AN ACT to Incorporate the Manhattan and Kansas River Bridge Company.

*Be it enacted by the Governor and Legislative Assembly of
 the Territory of Kansas:*

Privileges granted to whom.

SECTION 1. The exclusive right and privilege of building and
 maintaining a bridge across the Kansas River, at or within five
 miles of the city of Manhattan, is hereby granted, for the period
 of twenty-one years, to Joseph J. Davis, J. W. Robinson, Lorenzo
 Westover, Ira Taylor, or their assignees, or such persons as may
 be associated with them for that purpose.

SEC. 2. Said Joseph J. Davis, and other persons named in the foregoing sections, or a majority of them, are hereby authorized to form a company, to be known as the Manhattan and Kansas River Bridge Company, the capital stock of which shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each; and shall have power to prescribe by-laws for the regulation of said company, receive and collect subscriptions for such capital stock, establish and collect tolls for crossing said bridge, sue and be sued, hold and convey real estate, so much as shall be necessary for the construction of said bridge, and do all other acts and things, and exercise all the rights and privileges generally pertaining to corporations.

Authorized to form a company.

Capital stock.

By-laws, &c.

SEC. 3. The rates of toll on said bridge shall not exceed the average rates on the several ferries across said river, established by law, nor shall said bridge be so constructed as to prevent the navigation of said river by steamboats.

Rates of toll, how fixed.

Bridge not to obstruct navigation.

SEC. 4. Unless said bridge be built within three years, this Act shall be void.

Bridge must be built when.

SEC. 5. No privilege granted in this Act shall be so construed as to conflict with any of the rights and privileges of any other bridge company now existing.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 5, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XXVI.

BRIDGE OVER THE NEOSHO RIVER AT BURLINGTON.

AN ACT to Authorize certain persons, herein named, to erect a Toll Bridge over the Neosho River, at Burlington, in the Territory of Kansas, and for other purposes.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That A. D. Searl, Robt. Frazer and Judson A. Larabee are hereby authorized to erect a toll bridge across the

Authorized to build a bridge.

Neosho river, at the town of Burlington, in the county of Coffey, Territory of Kansas.

Shall keep
bridge in good
repair, &c.

Rates of toll.

SEC. 2. They shall erect and keep in good repair a substantial bridge, at the place above named, so as to render the crossing thereon safe and convenient; and may charge and receive for the same the following rates of toll: For one horse and rider, ten cents; for each single mule and horse, five cents; for each head of work cattle, two cents; for each head of other stock, one cent; for each one horse and carriage, twenty-five cents; for each two horse and wagon, fifty cents; each six horse or an ox wagon, seventy-five cents.

Exclusive priv-
ileges granted.

SEC. 3. The privileges hereto granted shall be exclusive to the persons herein named, for the term of twenty-one years, from and after the passage of this Act.

This Act shall take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 5, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER XXVII.

PEORIA BRIDGE COMPANY.

AN ACT to Incorporate the Peoria Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Exclusive right
&c. to build
bridge granted,
to whom.

SECTION 1. That the rights and privilege of building and maintaining a bridge across the Osage river, at any point upon said river not more than five miles above or below the village of Peoria, is hereby granted, for the period of twenty-one years, to Alfred Johnson, Jackson Sellers, John Curtis, E. Bilderbach, A. R. Marton, Dr. J. Pile, S. M. Lyons, or their assigns, or such persons as may be associated with them for that purpose.

Authorized to
form a company

SEC. 2. That said Alfred Johnson, and the other persons in the foregoing section, or a majority of them, are hereby authorized to form a company, to be known as the Peoria Bridge Com-

pany, the capital stock of which shall be five thousand dollars, Capital stock,
 to be divided into shares of twenty dollars each; and shall have
 power to prescribe by-laws for the regulation of said company, Powers of cor-
 receive and collect subscriptions to such capital stock, establish poration.
 and collect tolls for crossing said bridge, sue and be sued, hold
 and convey real estate, so much as may be necessary for the con-
 struction of said bridge, and do all other acts and things, and
 exercise all the rights and privileges appertaining to corpora-
 tions.

SEC. 3. That the rates of toll on said bridge shall not exceed Of tolls.
 the average of the rates on the several ferries across said river,
 established by law.

SEC. 4. That no privilege granted in this Act shall be so con-
 strued as to conflict with any of the rights and privileges of any
 bridge company which has been incorporated by the Legislative
 Assembly of this Territory.

This Act to take effect and be in force from and after its
 passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XXVIII.

PALERMO RAILROAD BRIDGE COMPANY.

AN ACT to incorporate the Palermo Railroad Bridge Company.

*Be it enacted by the Governor and Legislative Assembly of
 the Territory of Kansas:*

SECTION 1. That James Craig, Willard P. Hall, Reuben Mid- Names of cor-
 leton, Asaph Allen, E. W. Stratton, S. V. Jamerson, Robert porators.
 Herwood, B. H. York, I. B. Irvin, Wm. Spencer, A. A. Jam-
 erson, John Sherman, W. I. Parrott, H. Heulin, E. N. Morrill,
 W. Emery, J. P. Root, J. W. Robinson, L. D. Bird, Isaac
 Newton, John Stiarwall, and their associates, successors and
 assigns, are hereby constituted a body politic and corporate, by
 the name and style of the Palermo Railroad Bridge Company,

Their powers. and by that name and style shall have power to sue and be sued, plead and be impleaded, defend and be defended against, in all courts of this Territory, or elsewhere.

Have power to build bridge across Missouri river. SEC. 2. And shall have power and be authorized to construct, build and erect a railroad draw bridge across the Missouri river, at or within one mile of the city limits of the city of Palermo, and to have and enjoy the exclusive right and privilege of constructing, building and erecting, and keeping in repair said bridge, across the Missouri river, at the place aforementioned; *Provided*, that nothing in this Act contained shall entitle said company to obstruct in any manner the free navigation of the Missouri river.

Proviso.

Of collecting tolls. SEC. 3. And shall be authorized and empowered to receive and collect such tolls for crossing on said bridge, as the proper county tribunal shall from time to time determine.

Have exclusive right to construct bridge. SEC. 4. This Corporation shall have the exclusive right and privilege, of constructing and erecting, and keeping in repair, a railroad bridge, at the place aforesaid, for the period of thirty years.

SEC. 5. No powers herein granted, shall be inconsistent with the Constitution of the United States, or the Act organizing the Territories of Nebraska and Kansas.

SEC. 6. This act to take effect and be in force, from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

This Bill having been returned by the Governor with his objections thereto, and after reconsideration, having passed both Houses by the constitutional majority, it has become a law the 12th day of February, A. D. 1858.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

CHAPTER XXIX.

REPUBLICAN RIVER BRIDGE COMPANY.

AN ACT to Incorporate the Republican River Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. The exclusive right and privilege of building and maintaining a bridge across the Republican, at or within five miles of Fort Riley, is hereby granted for the period of twenty-one years, to John F. Bernard, Robert Wilson, William M. Snow, John L. Valtiew and J. M. Guiteau, or their assigns, or such persons as may be associated with them for that purpose.

Exclusive right &c., granted to build bridge, to whom.

SEC. 2. Said John F. Bernard, and the other persons named in the foregoing section, or a majority of them, are hereby authorized to form a company, to be known as the Republican River Bridge Company, the capital stock of which shall be seventy-five thousand dollars, to be divided into shares of fifty dollars each; and shall have power to prescribe by-laws for the regulation of said company, receive and collect subscriptions to such capital stock, establish [and] collect tolls for crossing said bridge, sue and be sued, hold and convey real estate, so much as may be necessary for the construction of said bridge, and do all other acts and deeds, and exercise all the rights and privileges generally appertaining to corporations.

Authorized to form a company

Capital stock.

Powers of company.

SEC. 3. The rate of toll of said bridge shall not exceed the average rates on the several ferries across the Kansas river, established by law.

Of tolls.

SEC. 4. Unless this bridge be built within three years, this Act shall be void.

To be built in three years.

This Act to take effect and be in force from and after its passage.

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 3, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER XXX.

WYANDOTT BRIDGE COMPANY.

AN ACT to Incorporate the Wyandott Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

- Names of commissioners.** SECTION 1. That John M. Funk, George Russell, A. B. Bartlett, John McAlpin, S. B. Gunn, Isaiah Walker, B. Gray, W. L. McMath, and Joseph Rosennald, be, and are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned ; that is to say, they shall procure one or more books, and enter therein as follows : We whose names are hereunto subscribed, do promise to pay to the Wyandott Bridge Company, the sum of fifty dollars for each share of the stock of said company, set opposite our respective names, in such manner as may be ordered by the president and board of directors of said company, and shall thereupon proceed to receive such subscriptions, for the stock of said company, at such times and places, as they may think proper.
- Duties of.**
- Shall call an election, when.** SEC. 2. When twenty or more persons shall have subscribed two hundred and fifty shares, and paid thereon five per cent. to the commissioners named in this Act, the said commissioners or any five of them, shall give notice, in one or more newspapers of the Territory, of a time and place to be by them appointed, not less than twenty days from the time of issuing the first notice, at which time and place, the said subscribers shall proceed to organize the said company, by electing by a majority of all the votes cast by ballot, either by proxy, duly authorized, or in person, one president, six directors, one secretary and one treasurer, who shall be a board of directors, with power to appoint such other officers as they may think necessary, to conduct the business of said company, and shall hold their offices for one year, and until other officers shall be duly chosen ; and may make such by-laws, rules and regulations, as shall be deemed necessary for government of said company, and the management of its affairs.
- Officers to be elected.**
- Term of office.**
- May make by-laws &c.**
- Powers of company.** SEC. 3. When said company is organized in the manner prescribed in the foregoing section, it shall be a body corporate in deed and in law, by the name of the Wyandott Bridge Company, and by that name shall be capable of suing and being sued, and doing all and every other matter or thing which a corporate or

body politic may lawfully do, and of taking, purchasing and holding, to them and their successors in fee simple, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary and convenient in the prosecution of the objects of the company, and the [same] to sell and dispose of at their pleasure.

SEC. 4. The said company is hereby authorized and granted the right to construct, build, and maintain a bridge across the Kansas river, at a point not less than two nor more than six miles from the mouth of the same: *Provided*, that said bridge shall be so constructed as not to interfere with the free navigation of said river.

Authorized to build a bridge.

Proviso.

SEC. 5. The capital stock of said company, shall consist of fifty thousand dollars, divided into one thousand shares of fifty dollars each, with the privilege of increasing the same to eighty thousand dollars, if needed for the purposes of the company.

Capital stock.

SEC. 6. If any person or persons shall wilfully and maliciously disobey the rules of said company, posted at each end of said bridge, or wilfully or maliciously injure or destroy any part of said bridge or anything thereto belonging, he or they shall, for every such offence, forfeit to the corporation, hereby created, the sum of five dollars, in addition to the real damage done, which penalty may be recovered by the said corporation in an action of debt, in any court having jurisdiction thereof, and a separate suit may be in like manner prosecuted and maintained by such corporation, for such damages done to said bridge.

Penalty for injuring or destroying any part of bridge.

SEC. 7. If any person or persons shall wilfully and maliciously remove or destroy any of the company's property, or place designedly and with evil intent any obstruction on said bridge, so as to place the lives of persons or animals in jeopardy, such person or persons so offending, shall be deemed guilty of a misdemeanor, and upon conviction shall suffer imprisonment for a term not exceeding two years: *Provided*, that nothing herein contained shall prevent the said company from pursuing the remedy, heretofore specified for damages done their bridge, by such wrongful act.

Penalty for destroying the property of bridge &c.

SEC. 8. The tribunal transacting county business in the county in which Wyandott city is located, shall from time to time prescribe the rates of toll, to be charged for crossing said bridge, which rates shall be kept posted up conspicuously at each end of the bridge: *Provided*, that such rates shall not be lower than

Of rates of toll.

the rates charged at other bridges, on the same river, except by consent of the company.

Stock deemed personal property.

SEC. 9. The stock of said company shall be deemed personal property, and may be transferred upon the books of the company, agreeable to such rules and regulations as the board of directors may establish.

Shall commence bridge in two years, and complete it in five years.

SEC. 10. Said company shall commence the construction of said bridge within two years, and complete the same within five years from the passage of this Act; and are hereby authorized and empowered to establish and maintain, until the bridge is completed, a free ferry across the Kansas river, at or near the point selected for the erection of said bridge, and for this purpose are hereby authorized to receive gifts, grants, [and] donations, from individuals or corporations.

May maintain a ferry.

Non compliance.

SEC. 11. The non-compliance with any of the provisions of this Act, shall work a forfeiture of all the right granted therein, on complaint of any persons injured or aggrieved, on making the proper proof, before the Probate Court at any regular session.

Authorized to issue bonds.

SEC. 12. Said company are hereby authorized to issue bonds for the purpose of constructing said bridge, to such amount only as may be necessary to construct and complete the same, and may sell said bonds in such amount, upon such terms, and at such rates of interest, as may be agreed upon by the parties interested, not to exceed the rate fixed by the law of the Territory: *Provided*, said bonds shall not be issued, for a less amount than twenty-five dollars: *And provided further*, that said bonds shall not be circulated as money, nor shall said company exercise any banking powers.

This Act to take effect, and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER XXXI.

WYANDOTT CITY BRIDGE COMPANY.

AN ACT to Incorporate the Wyandott City Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Silas Armstrong, John M. Funk, George Russell, A. B. Bartlett, John McAlpin, H. M. Northup, D. B. Hadley, E. J. Quirk, Isaiah Walker, B. Gray, W. L. McMath and Joseph Rosenwald, be, and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, [that is] to say, they shall procure one or more books, and enter therein as follows: We whose names are hereunto subscribed, do promise to pay to the Wyandott City Bridge Company, the sum of fifty dollars, for each share of stock of said company, set opposite our respective names, in such manner as may be ordered by the president and board of directors of said company, and shall thereupon proceed to receive such subscriptions for the stock of said company, at such times and places as they may think proper.

Names of commissioners.

Duties of.

SEC. 2. That when twenty or more persons, shall have subscribed two hundred and fifty shares, and paid thereon five per cent. to the commissioners named in this Act, the said commissioners, or any five of them, shall give notice in one or more papers of the Territory, of a time and place to be by them appointed, not less than twenty days from the time of issuing the first notice, at which time and place, the said subscribers shall proceed to organize the said company, by electing, by a majority of all the votes cast by ballot, either by proxy duly authorized or in person, one president, six directors, one secretary and one treasurer, who shall be a board of directors, with power to appoint such other officers as they may think necessary, to conduct the business of said company, and shall hold their offices for one year, and until other officers shall be duly chosen, and may make such by-laws, rules and regulations, as shall be deemed necessary for the government of said company, and the management of its affairs: *Provided*, that each stockholder shall be entitled to one vote for each share by him held.

Shall call a meeting, when.

Officers to be elected.

Term of office.

By-laws &c.

SEC. 3. That when said company is organized, in the manner prescribed in the foregoing section, it shall be a body corporate, in deed and in law, by the name of the Wyandott City Bridge

Powers of company.

Company, and by that name shall be capable of suing and being sued, and doing all and every other matter or thing, which a corporate or body politic may lawfully do, and of taking, purchasing, and holding to them and their successors, in fee simple, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary and convenient, in the prosecution of the objects of the company, and the same to sell and dispose of at their pleasure.

Authorized to build a bridge.

SEC. 4. That the said company is hereby authorized and granted, the right to construct, build and maintain a bridge across the Kansas river, at a point within one mile of the mouth thereof: *Provided*, that said bridge shall be so constructed as to not interfere with the free navigation of said river.

Capital stock.

SEC. 5. That the capital stock of said company shall consist of fifty thousand dollars, divided into one thousand shares of fifty dollars each, with the privilege of increasing the same to eighty thousand dollars, if needed for the purposes of the company.

Penalty for maliciously injuring bridge or disobeying rules.

SEC. 6. That if any person or persons shall wilfully and maliciously disobey the rules of said company, posted at each end of said bridge, or wilfully and maliciously injure, or destroy any part of said bridge or anything thereto belonging, he or they shall for every such offence forfeit to the corporation hereby created, the sum of five dollars, in addition to the real damage done, which penalty may be recovered by the said corporation, in an action of debt in any court having jurisdiction thereof, and a separate suit may be in like manner prosecuted and maintained by such corporation, for such damages done to said bridge.

Penalty for destroying property of bridge.

SEC. 7. That if any person or persons shall wilfully and maliciously remove or destroy any of the company's property, or place designedly and with evil intent, any obstruction on said bridge, so as to place the lives of persons or animals in jeopardy, such person or persons so offending, shall be deemed guilty of a misdemeanor, and upon conviction, shall suffer imprisonment for a term not exceeding two years: *Provided*, that nothing herein contained shall prevent the said company from pursuing the remedy heretofore specified for damages done their bridge by such wrongful act.

Of rates of toll.

SEC. 8. That the tribunal transacting county business, in the county in which Wyandott City is located, shall from time to time prescribe the rates of toll to be charged for crossing said bridge, which rates shall [not] be lower than the rates charged at other bridges on the same river.

SEC. 9. That the stock of said company shall be deemed personal property, and may be transferred upon the books of the company, agreeable to such rules and regulations as the board of directors may establish.

Stock deemed personal property.

SEC. 10. That said company shall commence the construction of said bridge within two years, and complete the same within five years, from the passage of this Act.

Shall commence and finish bridge, when.

SEC. 11. That the non-compliance with any of the provisions of this Act, shall work a forfeiture of all the right granted therein, on complaint of any person injured or aggrieved, on making the proper proof before the Probate Court of the proper county, at any regular session.

Non compliance.

SEC. 12. Said company is hereby authorized to issue bonds for the purpose of constructing said bridge, to such amount only as may be necessary to construct and complete the same, and may sell said bonds in such amount, upon such terms, and at such rates of interest, as may [be] agreed upon by the parties interested, not to exceed the rate fixed by the law of the Territory: *Provided*, said bonds shall not be issued for a less amount than twenty-five dollars: *And, provided further*, that said bonds shall not be calculated as money, nor shall said company exercise any banking powers.

Authorized to issue bonds.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XXXII.

DE SOTO FERRY COMPANY.

AN ACT Incorporating the De Soto Ferry Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That G. W. Hutchinson, J. A. Finley, B. W. Woodard, D. H. Weir, A. D. Searl, Jas. F. Legate, Henry Campbell, E. S. Lowman, and Warren Kimball, and their asso-

Names of incorporators.

Powers of.

ciates and successors are hereby constituted a body politic and corporate, by the name and style of the De Soto Ferry Company, and by that name shall be competent to make contracts, and to sue and be sued in all matters, whether in law or equity, in all the courts of Kansas Territory. The said company are hereby authorized to have and use a common seal, and create or alter the same at pleasure, and to make such rules and regulations, not inconsistent with this Act, or the laws of the Territory, that may be necessary for the management of the affairs of the said company.

Required to establish ferry in six months:

SEC. 2. That the said company are required within six months from the date of this Act to have or establish a good and sufficient ferry for crossing the Kansas river, at a point on said river called De Soto, in Johnson county, Kansas Territory, and in case the said company neglect to provide such ferry, within the time herein mentioned, then the rights and privileges conferred upon said company by this Act shall be forfeited.

Boat to be kept

SEC. 3. That the said company are required to provide a suitable and convenient boat, with necessary appurtenances for ferrying at all times: *Provided*, that nothing in this section shall be construed to make the said company liable upon the bond herein-after mentioned, in consequence of a refusal to ferry whenever it is extremely hazardous or difficult to make the crossing.

Rates of ferriage.

SEC. 4. That the rates of ferriage shall be as follows, not to exceed for a man and horse, fifty cents; for one horse and carriage or wagon, seventy-five (75) cents; for two horses and carriage or wagon, one dollar; for four horses and carriage or wagon, one dollar and twenty-five cents: *Provided*, the said company may by by-laws provide an addition to the above rates of not to exceed fifty per cent. In cases where the working of the ferry aforesaid shall be attended with extraordinary labor or expense, it shall be the duty of the said company to post, or cause to be posted, notice of the above rates, at the place of ferrying, as soon as the said company shall have commenced operations under this Act, and shall not demand or collect ferriage until such notice is so posted.

Shall execute bonds.

SEC. 5. That the said company shall, before exercising any of the privileges conferred by this Act, execute to the Territory of Kansas a bond, with sureties, in the sum of two thousand dollars, to be approved by the Judge of Probate of the county in which said ferry is located, conditioned for the faithful performance of the duties imposed by this Act, and such bond after being so approved, shall be filed in the office of the clerk

Conditions.

of such county. Any party aggrieved by the violation of the conditions of the said bond, may sue thereon in the name of the Territory of Kansas, but in all such cases the judgment shall be for the damages actually sustained by the party instituting the suit.

SEC. 6. That this Act shall be construed to give to the said company the exclusive privilege to establish and maintain a ferry at the town of De Soto, aforesaid, and for two miles up, on, and down the said river of Kansas. The right of said company to land upon the north side of said river, and to construct as many roadways to the ferry aforesaid as are necessary, shall in no manner be interfered with.

Exclusive right to ferry within limits prescribed.

SEC. 7. That the corporation created by this Act shall exert (exist) for a space of time, not exceeding twenty years.

To exist twenty years.

SEC. 8. That the said company may by by-laws prescribe what officers they shall have to manage the affairs of the said company, and the term of office, and the manner and form of the election thereof; and may by by-laws or rule make such regulations as may be deemed necessary to carry out the objects of this incorporation, which shall not conflict with this Act, or any laws of the Territory of Kansas.

By-laws &c.

This Act to be in force and effect from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved February 8, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER XXXIII.

FERRY AT DOUGLAS.

AN ACT to establish a ferry at the Town of Douglas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Parris Ellison, his heirs, and assigns, are hereby authorized to keep a ferry at the town of Douglas, across the Kansas river, for the term of ten years, from and after the first day of March next; and shall have the right and privilege to keep said ferry, upon condition that they keep a good and sufficient ferry boat, adapted to the wants of the traveling public at that place.

Authority to keep a ferry.

Exclusive right to keep ferry in limits prescribed. Proviso.

SEC. 2. That Parris Ellison, his heirs, and assigns, shall have the exclusive right to establish and keep said ferry, for one mile up and down the Kansas river, from said town: *Provided* that the said Ellison shall give bond and comply in all things with the laws of this Territory regulating ferries.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 11, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER XXXIV.

FERRY AT LECOMPTON.

AN ACT incorporating the Lecompton Ferry Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Authority to keep a ferry.

SECTION 1. That Jerome Kunkle, his heirs or assigns, are hereby authorized to keep a public ferry across the Kansas river, opposite the town of Lecompton, in the Territory of Kansas; and shall have the exclusive right and privilege of keeping a ferry within a distance of one mile from the landing, up and down the said river for the period of ten years: *Provided*, that no right or privilege hereby granted, shall in any way effect the rights and privileges heretofore granted to the "Lecompton Bridge Company," or prevent the contractors, who may undertake the building of said bridge, from owning and using any flat boat or boats for any purposes connected with the construction of said bridge.

Shall have exclusive right to keep a ferry within limits prescribed.

Proviso.

Rates of ferriage, by whom fixed.

SEC. 2. That the tribunal for transacting county business, in and for the county in which the said ferry shall be situated, is hereby authorized and required to regulate the ferriage across said river, from time to time, as the same may be deemed proper.

This Act to take effect and be in force from and after the expiration of a charter granted to, and certain rights acquired by

William K. Simmons, Wesley Garrett and Evan Todhunter, by and under an act entitled "An [Act] to establish a ferry across the Kansas river, opposite the town of Lecompton."

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 6, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XXXV.

FERRY AT NEVADA CITY.

AN ACT to Charter a Ferry across the Kansas river at Nevada City, in the Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That the Nevada City Town Company, and their assigns, are hereby authorized to keep a ferry across the Kansas river, at the crossing of the same, where the town of Nevada City is now located in Kansas Territory, and shall have the exclusive privilege of keeping the same, at said point, and within one mile each way, up and down the river from said point, for and during the period of ten years.

Authority to keep a ferry.

Shall have exclusive right to ferry within limits prescribed.

SEC. 2. [That] the said Nevada City Town Company, shall keep ready for use, a good boat or boats, to do all the crossing at said ferry, and be subject to all the laws regulating ferries, now in force, or which may hereafter be made in said Territory.

Boat to be kept ready.

SEC. 3. A non-compliance with any of the provisions of said Act, shall work a forfeiture of all rights under it.

Non compliance.

This Act to take effect and be [in] force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XXXVI.

FERRY FROM WABONSA TO WEBSTER CITY.

AN ACT entitled "An Act to establish a ferry across the Kansas river, in Kansas Territory, from Wabonsa, in Richardson county, to Webster City, in Pottawatomie county.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Authority to
keep ferry.

SECTION 1. That R. H. Wateman, E. C. D. Lines, F. H. Hart, S. M. Thomas, H. M. Selder, and their associates and successors, under the name of the "Wabonsa and Webster City Ferry Company," be, and they are hereby authorized and empowered, to establish and keep a public ferry across the Kansas river, in the Territory of Kansas, for the term of twenty-five years, from and after the passage of this Act, and they shall have a landing on the south side of said river, on land adjoining the town site of Wabonsa, and on the north side of said river on land adjoining the town site of Webster city.

Boat to be
kept.

SEC. 2. That the above named company hereby consent, promise and agree, that a good substantial ferry boat or boats, adapted to the wants of the public at Wabonsa and Webster city, aforesaid, shall be kept by them and their successors, the said boat or boats to be properly manned, attended and propelled and kept in good repair.

Exclusive right
to keep ferry.

SEC. 3. The said company and their successors, shall have the exclusive privilege of establishing and keeping a ferry at the point aforesaid, and within two miles above and two miles below, the said point, upon said Kansas river, for the period of twenty-five years; but the said company and their successors, shall execute a sufficient bond, to be approved by the tribunal transacting county business for the county, in which said Wabonsa is situated, and shall renew the same whenever required by said tribunal or other competent authority, conditioned that they will comply with the provisions and conditions of this Act; *Provided*, that the company hereby incorporated, shall not have any right or privilege to keep a ferry, or have a landing at any other point than that before described without the consent of all adjoining proprietors of land.

Shall execute
bond.

Conditions.
Proviso.

County tribu-
nal to fix rates
of forriage.

SEC. 4. The tribunal transacting county business for the county embracing within its limits the town site of Wabonsa, shall, from time to time, or whenever they think proper, fix the rates

of ferriage, and a list of the same shall be posted up at the landing of said ferry.

SEC. 5. The said persons and their successors, so chartered, shall keep the said ferry and its appurtenances in good repair and condition, being allowed a reasonable time to repair in case of accident, or procure a new boat when necessary. Shall keep ferry &c. in good repair.

SEC. 6. [That] the said persons so chartered, and their successors, shall not be required to commence running boats upon said ferry before the first day of July next.

This Act to take effect and be in force from and [after] its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 5, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER XXXVII.

FERRY ACROSS THE KANSAS RIVER.

AN ACT entitled "An Act to Charter a Ferry across the Kansas River in Kansas Territory."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That William Burtzer, his heirs and assigns, are hereby authorized to keep a ferry across the Kansas river, at or near the east line of lot No. two, (2,) of section No. thirty-four, (34,) in township number twelve, (12,) of range number twenty, (20,) in the Territory of Kansas, and shall have the exclusive right and privilege of keeping a ferry, within the distance of one half mile on each side of said east line of lot number two, for the term of twenty years from and after the passage of this Act. Authority to keep ferry. Shall have exclusive right.

SEC. 2. That the said William Burtzer shall keep a good and substantial boat or boats, sufficient to cross the traveling public, and shall cause the same to be manned by good and safe hands. Substantial boat to be kept.

SEC. 3. That the tribunal transacting county business for the county in which said ferry shall be situated, is hereby author- County tribunal to fix rates of ferriage.

ized and required to determine and fix the fees for ferriage across said river, from time to time, as the same may be deemed proper.

Shall keep in good repair.

SEC. 4. That the said William Burtzer, so chartered, and his assigns, shall keep said ferry and its appurtenances in good order and repair, but shall be allowed a reasonable time to repair, or in the case of the loss of a boat, to procure another.

Non-compliance.

SEC. 5. A non-compliance with the provisions of this Act shall work a forfeiture of this charter.

This Act to take effect from and after its passage.

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XXXVIII.

FERRY AT ELWOOD.

AN ACT to Establish and Charter a Ferry at the City of Elwood.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Authority to keep a ferry.

SECTION 1. That D. S. Lusk, the Elwood Town Company, their associates, successors and assigns, be, and they are hereby authorized to establish and keep a ferry at the city of Elwood, opposite, or nearly opposite, the city of St. Joseph, and shall have the exclusive right and privilege, for the period of twenty years from and after the passage of this Act, of keeping and maintaining a public ferry at the present limits of the city of Elwood aforesaid. Should the limits of the said city of Elwood be hereafter extended, then said ferry rights and privileges shall be extended likewise; and no other ferry shall be established within one mile of the aforesaid city limits; *Provided*, that the ferry rights and privileges herein granted shall be restricted to and confined within the limits of the city of Elwood aforesaid; *And provided further*, that the provisions of this Act shall not conflict in any way with previous charters.

Shall have exclusive right, &c.

Proviso.

Good and substantial boat to be kept.

SEC. 2. That the above named parties agree that a good and substantial boat or boats, steam or flat, as the wants of the pub-

lic may demand, shall be kept in constant readiness at said ferry, to be properly manned and attended, and to be kept in good repair; *Provided*, the above named parties shall procure within twelve months after the passage of this act, a good and sufficient boat, or boats for said ferry; *And provided further*, they shall be allowed proper and necessary time to repair or procure a new boat, in case of accident or loss of a boat.

SEC. 3. That the tribunal transacting county business for the county including the city of Elwood, may, from year to year, as they think proper, fix the rate of ferriage to be charged at said ferry, and a list of the same shall be posted at the ferry landing, and any charge made and extorted by said parties aforementioned, more than the rates prescribed by said tribunal, shall be and create a forfeiture of all their rights and privileges under this Act.

Rates of toll,
how fixed.

SEC. 4. That said parties aforementioned shall, before proceeding to establish and put in operation said ferry, execute sufficient bonds to be approved by the aforesaid tribunal, conditioned that they will comply with and fully observe all the conditions and provisions of this Act; the said bond to be filed in the office of the tribunal aforesaid, and may be sued on by any person aggrieved, injured, or unnecessarily detained at said ferry; and a copy of the same, under the seal of said tribunal transacting county business, properly attested, shall be sufficient evidence of the contents of said bond, on the trial for damages.

To file bonds.

Conditions.

Remedy of persons
aggrieved.

SEC. 5. That a non-compliance with this Act shall work a forfeiture of this Act.

Non-compliance.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XXXIX.

FERRY AT IOWA POINT.

AN ACT to Establish a Ferry at Iowa Point, in the Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Authority to keep a ferry.

SECTION 1. That W. B. Beeler, C. M. Williams, Wm. V. Barr, and K. M. Williams, their heirs and assigns, are hereby authorized to keep a public ferry across the Missouri River, at the town of Iowa Point, in the Territory of Kansas, for the term of fifteen years, from and after the passage of this Act, and shall have a landing on the West bank, within the limits of the town of Iowa Point; also the exclusive right of ferry privilege for one mile up and down said river from said point: *Provided*, that they shall at all times keep a good and substantial boat or boats, adapted to the wants of the public, at the place, attended by hands in sufficient force to enable them properly to manage the boat or boats, and that they shall comply with all the regulations of this Act.

Shall have exclusive right to ferry. Proviso.

Shall execute bonds.

SEC. 2. The said persons before named, or their assigns, shall execute sufficient bonds to be approved by the tribunal transacting county business in and for the county in which the town of Iowa Point is or may be situated, and shall renew the same whenever required by said tribunal or other competent authority, conditioned that they will comply with all the provisions of this Act.

Shall file bond.

Remedy.

SEC. 3. The said bond shall be filed in the office of said tribunal, and may be sued on by any person aggrieved, or injured, or unnecessarily detained by said ferry, and that a copy of the same under the seal of said tribunal transacting county business, properly attested, shall be sufficient evidence of the contents of said bond, on the trial had for damages.

County tribunal to fix rate of ferriage.

SEC. 4. The said county tribunal shall from year to year, whenever they think proper, fix the rate of ferriage to be charged at said ferry landing, or on the boat or boats. A list of the same shall be kept posted at the ferry landing, or on the boat or boats so used, and any charge made or extended [extorted] by the said persons, or their agents or employees, more than the rates fixed by said tribunal, shall work a forfeiture of all their privileges under this Act.

SEC. 5. The said persons so chartered, and their assigns, shall

keep said ferry and appurtenances in good order and repair, but shall be allowed a reasonable time to repair, or in case of a loss of a boat, to procure another. Shall keep ferry in good repair.

SEC. 6. A non-compliance with the provisions of this Act, shall work a forfeiture of this charter. Non-compliance.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER XL.

FERRY NEAR LEAVENWORTH.

AN ACT to Establish a Ferry across the Missouri River, at a point two miles below the City of Leavenworth.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That David H. Mitchell and James Davis, their associates, heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the period of ten years, from and after the passage of this Act, of keeping and maintaining a public ferry across the Missouri river, at a point two miles below the original southern line of the city of Leavenworth, on the west side of said Missouri river, in the Territory of Kansas, and no other ferry shall be established across said river, within one and one half mile below a point, two miles below said original limit of said city of Leavenworth; and the landing of the ferry hereby established shall be at any point, within one and one half mile of which the individuals herein named, their associates, heirs, executors, administrators and assigns, may have the right of possession. Authority to keep a ferry. Exclusive right and privilege.

SEC. 2. The persons herein named, their associates or assigns, shall at all times after the expiration of six months from the passage of this Act, keep a safe and good boat or boats, sufficient for the accommodation of all persons wishing to cross at said Safe and good boat to be kept.

ferry, and shall give prompt and ready attendance on passengers and teams on all occasions and at all times in the day from sunrise to sunset, and shall be permitted to charge for crossing at said ferry, the following rates: For each foot passenger, ten cents, for each horse, mare, gelding, mule or ass, with or without rider, twenty-five cents; for each two or two horse teams of one yoke of oxen with wagon or driver, seventy-five cents; for each additional horse or ox, ten cents; for each single horse or carriage, fifty cents; for each head of neat cattle, ten cents; each swine or sheep, five cents; *Provided*, that the county tribunal transacting business in the county in which said ferry is located may alter the rates of ferriage at any time.

Rates of ferriage.

Proviso.

Shall file bond.

SEC. 3. The persons herein named, or their assigns, shall, within five months of the passage of this Act, and before entering upon the business of ferrying at the point herein designated, file or cause to be filed, with the clerk of the Probate Court of the county of Leavenworth, a bond to the Territory of Kansas, with two or more sufficient sureties to be approved by said clerk, in the sum of one thousand dollars, conditional that they will fulfil all the duties imposed upon them by this Act.

Conditions.

Remedy.

SEC. 4. Any person who shall sustain any injury by the wilful negligence or default of said persons herein named, or the ferryman in their employ, may have a remedy by an action upon the bond required by this Act.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved, February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER XLI.

FERRY AT PALERMO.

AN ACT to Establish and Charter a Ferry across the Missouri River, at the City of Palermo, in the Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Barney H. York, George K. Sabin, and Frederick W. Emery, members of the Palermo City Company, their associates in said Company, and their successors and assigns, shall have the exclusive right and privilege, for the period of twenty years from and after the passage of this Act, of keeping and maintaining a public ferry across the Missouri river at the city of Palermo in the Territory of Kansas, and no other ferry shall be established within two miles of the present limits of the city of Palermo aforesaid.

Exclusive right and privilege to keep ferry.

SEC. 2. That the parties aforesaid shall at all times keep a good and safe boat or boats, steam or flat boat, as the wants of the public may demand, in good repair, sufficient for the accommodation of all persons wishing to cross at said ferry, and shall give prompt and ready attention on passengers and teams on all occasions and at all hours of the day; *Provided*, that they shall not be compelled to run their boat or boats at any time when the person or persons acting as their pilot or pilots, shall deem it unsafe to cross the river on account of ice or to him or them other sufficient cause.

Shall keep good and safe boats.

SEC. 3. That the parties aforesaid shall be permitted to charge, not to exceed the following rates of ferriage: For each passenger, ten cents; for each horseman, twenty-five cents; for each two horse or ox team loaded, one dollar and twenty-five cents; for each two horse or ox team without loading, one dollar; for each one horse carriage or buggy, fifty cents; for each additional horse, mule, ass, ox, cow, or calf fifteen cents; for each score of sheep or swine, one dollar; for every sheep or swine less than one score, ten cents each; for all freight of merchandise or lumber, not in teams, loaded and unloaded by the owner thereof, at the following rates: For lumber, one dollar and fifty cents per thousand feet; for all other articles, ten cents per hundred pounds. Persons wishing to cross at said ferry in the night, may be charged double fare, and a list of the aforementioned rates shall be posted at the landing or crossing of said boat or boats; and any charge

Rates of ferriage.

Rates shall be posted at landing.

made or extorted by the aforesaid parties, or their successors, more than the rates herein fixed, shall create a forfeiture of the rights and privileges under this Act.

Shall execute bonds.

SEC. 4. That the parties aforesaid shall, before proceeding to establish and put into operation said ferry, execute sufficient bonds, to be approved by the tribunal transacting business for the county in which the said city of Palermo is situated, conditioned that they will comply with and fully observe all the conditions and provisions of this Act; the said bond to be filed in the office of the tribunal aforesaid, and may be sued on by any person aggrieved, injured or unnecessarily detained at said ferry; and a copy of the same, under the seal of said tribunal transacting county business, properly attested, shall be sufficient evidence of the contents of said bond on the trial for damages.

Conditions.

SEC. 5. That the said parties aforesaid shall be allowed eighteen months after the passage of this Act to procure a good and sufficient boat or boats for said ferry; and in case of accident or loss of a boat, they shall be allowed proper time to repair or replace the same.

Non-compliance.

SEC. 6. That a non-compliance with the provisions of this Act, shall work a forfeiture of this charter.

SEC. 7. That all acts or parts of acts conflicting with the provisions of this Act, be, and they are hereby repealed.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XLII.

FERRY AT SUMNER.

AN ACT to Establish a Ferry across the Missouri River, at the Town of Sumner, Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That J. W. Morris, Cyrus F. Currier and Samuel Harsh, their associates, and heirs, and executors, and administrators, and assigns, shall have the exclusive right and privilege, for the period of twenty years from and after the passage of this Act, of keeping and maintaining a public ferry across the Missouri river, at the town of Sumner in the Territory of Kansas, and no other shall be established within two miles of the present limits of said town of Sumner; *Provided*, that the ferry landing on the west side of the Missouri river shall be restricted to the limits of said town of Sumner, unless a landing thereon be impracticable by reason of said [sand] or other immovable obstructions in the river.

Exclusive right and privilege to keep ferry.

Proviso.

SEC. 2. The said J. W. Morris, Cyrus F. Currier and Samuel Harsh shall, at all times after the expiration of five months from the passage of this Act, keep a safe and good boat or boats, sufficient for the accomodation of all persons wishing to cross at said ferry, and shall give prompt and ready attendance on passengers and teams, on all occasions, and at all times in the day from sunrise to sunset, and shall be permitted to charge, not to exceed the following rates, for crossing at said ferry: For each foot passenger, ten cents; for each horse, mare, gelding, mule or ass, with or without rider, twenty-five cents; for each two horse team or teams of one yoke of oxen, loaded or unloaded, with driver, seventy-five cents; for each additional horse or ox, ten cents; for each single horse and carriage, fifty cents; for cattle, except those attached to wagons or sleds, fifteen cents; swine or sheep, five cents.

Shall keep safe and good boat.

Rates of ferriage.

SEC. 3. The said J. W. Morris, Cyrus F. Currier, Samuel Harsh, shall, within three months after the passage of this Act, file, or cause to be filed with the clerk of the Probate Court of the county in which said town of Sumner is situated, a bond to the Territory of Kansas, with two or more good and sufficient securities, to be approved by said clerk, in the penal sum of one thousand dollars, conditioned that they will fulfil all the duties that are imposed upon them in the foregoing section.

Bond to be filed.

Conditions.

Remedy.

SEC. 4. Any person who shall sustain any injury by the wilful negligence or default of the said J. W. Morris, Cyrus F. Currier, Samuel Harsh, or the ferryman in their employ, may have a remedy, by an action upon the bond, required by this Act. A non-compliance with any of the provisions of this Act, shall work a forfeiture of all rights herein contained.

Non-compliance.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEFTZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XLIII.

FERRY AT QUINDARO.

AN ACT entitled "An Act to Incorporate a Ferry across the Missouri River, at Quindaro."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Shall have exclusive right to keep ferry.

SECTION 1. That Otis Webb, Charles Robinson and Charles H. Chapin, their heirs and assigns, shall have the exclusive right, for twenty-one years from and after the passage of this Act, of keeping and maintaining a public ferry across the Missouri river, with one or more landings; and no other ferry shall be established between the intersections of the west bounds of section number twenty-two, in township number ten, south, of range number twenty-four east, and the east bounds of section number twenty-eight, in township number ten, south of range number twenty-five east, with the Missouri river.

Shall keep boats in good repair.

SEC. 2. The said Otis Webb, Charles Robinson and Charles H. Chapin, their heirs and assigns, shall at all times keep a boat or boats in good repair, sufficient for the accommodation of passengers or teams wishing to cross said ferry, and shall give prompt and ready attention to passengers and teams, on all occasions between the rising and setting of the sun, and may charge therefor the rates hereinafter specified; but for crossing at all

other hours, may charge double [the] rates hereinafter prescribed; *Provided*, that they shall not be compelled to run their boat at any time when the person or persons acting as their pilot or pilots shall deem it unsafe to cross the river on account of ice, or to him or them other sufficient cause, and that they be allowed time necessary for repairs, and that in case a boat should be lost, ample time shall be given for the procuring another boat to supply the deficiency.

SEC. 3. The said Otis Webb, Charles Robinson and Charles H. Chapin, their heirs and assigns, shall be permitted to charge not to exceed the following rates of toll: For each passenger, ten cents; for each two horse team, loaded, one dollar and twenty-five cents; for each two horse team, without a load, one dollar; for each one horse carriage, seventy-five cents; for each additional horse, mule, ass, ox, cow or calf, fifteen cents; for every score of sheep or swine, one dollar.; for every sheep or swine less than one score, ten cents each; for all freight of merchandize or lumber, not in teams, loaded and unloaded by the owner thereof, and with a detention not exceeding fifteen minutes at any landing, at the following rates: For lumber, one dollar and fifty cents per thousand feet; for all other articles, ten cents per hundred pounds.

Rates of ferriage.

SEC. 4. The said Otis Webb, Charles Robinson and Charles H. Chapin, their heirs and assigns, shall have full power, in their corporate capacity, to hold, by gift, grant or purchase, land sufficient for one or more landings, and may sell or dispose of the same, or any part thereof, or lease, rent or improve the same in such manner as they may deem proper.

Shall have power to hold land, &c.

SEC. 5. The said Otis Webb, Charles Robinson and Charles H. Chapin, their heirs or assigns, shall, within five months after the passage of this Act, file, or cause to be filed, with the clerk of the [Probate] Court in the county of Leavenworth, a bond in the sum of one thousand dollars, conditioned that they will fulfil all the conditions enjoined upon them by this Act.

Bond to be filed.

Conditions.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 6, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XLIV.

FERRY AT WYANDOTT.

AN ACT to Establish and Charter a Ferry across the Missouri River, at Wyandott.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of cor-
porators.

SECTION 1. That Silas Armstrong, W. Y. Roberts, S. W. Eldridge, James McGrew, James D. Chesnut, their associates and successors are, and are hereby incorporated a body politic and corporate, by the name and style of the Wyandott City Ferry Company, and by that name shall be competent to make contracts, to sue and be sued, plead and be impleaded in all matters whatsoever. Said company is authorized to have and use a common seal, alter the same at pleasure, and to make such by-laws as may be deemed necessary to the management of its affairs.

Powers of.

Exclusive right
and privilege
to ferry within
limits pre-
scribed.

SEC. 2. That said company shall have the exclusive right and privilege, for the period of twenty-one years from and after the passage of this Act, of repairing and maintaining a public ferry across the Missouri river at Wyandott city, and shall have the right and privilege of landing at any place on the west side of the said river, between the point where the Missouri State line leaves the same, and a point one mile above the mouth of the Kansas river, on the Missouri river, and at any point on either bank of the Kansas river; one-eighth of a mile from the mouth of the same. Said ferry shall be in operation on or before the first day of July next. Nothing herein contained shall be so construed as to infringe upon the rights of the Wyandott ferry across the Kansas river.

Shall keep safe
and good boats
in good repair.

SEC. 3. That said company and successors shall, at all times, keep a safe and good boat or boats, in good repair, sufficient for the accommodation of all persons wishing to cross at said ferry, and shall give prompt and ready attendance to said passengers and teams on all occasions: *Provided*, that it shall be allowed a reasonable time to repair; or, in case of loss of their boat, time to procure another.

Rates of fer-
riage how fixed.

SEC. 4. The tribunal transacting county business for the county including the city of Wyandott, shall, from year to year, establish the rates of ferriage, a list of said rates to be constantly kept posted at the respective landings of said ferry, and said ferry shall be subject to all laws in force, or which may

hereafter be enacted by the Legislative Assembly of this Territory.

SEC. 5. An Act entitled "An Act to establish a ferry at Wyandott city, in the Territory of Kansas; approved February 17th, A. D. 1857," and all other Acts, conflicting with this Act, are hereby repealed. Acts repealed.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

It is hereby certified that, on the 30th January, 1858, the above bill was returned by the acting Governor, with his objection thereto, and that on the 1st day of February, A. D. 1858, the bill was passed by a two-thirds vote of the Council, the objections of the Governor to the contrary notwithstanding.

C. W. BABCOCK,
President of the Council.

Agreeably to the provisions of the Organic Act, the above bill was, on the 2d day of February, A. D. 1858, reconsidered, and passed the House by two-thirds majority, the objections of the acting Governor to the contrary notwithstanding.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

CHAPTER XLV.

BAKER UNIVERSITY.

AN ACT to Incorporate the Baker University.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That L. B. Dennis, Ira Blackford, Charles H. Lovejoy, Walter Oakley, N. Taylor, Homer H. Moore, James Show, Curtis Graham and William Butt, of the Kansas and Nebraska Conference of the Methodist Episcopal Church, and such other persons as shall, or may hereafter, be appointed by the Kansas Conference, or subdivisions of said Kansas Conference of the said Methodist Episcopal Church, to succeed them, be, and they are hereby created and constituted a body politic and corpo- Names of corporators.

- rate, under the name and style of the "Trustees of the Baker University," and henceforth shall be styled and known by that name, and by that name and style, to remain and have perpetual succession, with power to sue and be sued, to plead and be impleaded; to acquire, hold and convey property, real, personal or mixed, in lawful ways; to have and use a common seal, and to alter the same at pleasure; to make and alter, from time to time, such by-laws as they may deem necessary for the government of said institution, its officers and servants: *Provided*, such by-laws are not inconsistent with the constitution of the United States and the Organic Act, and to confer on such persons as may be considered worthy of such academical or honorary degrees as are usually conferred by similar institutions.
- Powers of.**
May hold real estate.
- By-laws, &c.**
Proviso.
- Term of office of trustees.**
- Quorum.**
- Visitors to be appointed—by whom.**
- Powers conferred.**
- SEC. 2. That the term of office of said trustees shall be four years, but they shall hereafter, at the regular annual Conference aforesaid, in 1859, so arrange by lot, that the term of office of one-fourth of their number shall expire annually; and said board shall, in the manner above specified, have perpetual succession, and shall hold the property of said institution, solely for the purposes of education, and not a stock for the individual benefit of themselves, or any contributor to the endowment of the same. No particular religious faith shall be required by those who become students of the institution. Nine members shall constitute a quorum for the transaction of any business of the board, except the election of president, or professor, or the establishment of chairs in said institution, and the enactment of by-laws for its government, for which the presence of a majority of the board shall be necessary: *Provided*, that the trustees, hereafter selected, shall not exceed thirty-two in number, who shall be fairly apportioned among the respective conferences having the selection thereof, as hereinbefore provided.
- SEC. 3. That the said annual Conference of the Methodist Episcopal Church, under whose control and patronage said University is placed, shall each also have the right to appoint, annually, two suitable persons, members of their own body, visitors to said University, who shall attend the examination of students and be entitled to participate in the deliberations of the board of trustees, and enjoy all the privileges of members of said board, except the right to vote.
- SEC. 4. That the said institution shall be, and hereby is permanently located at Baldwin city, in the Territory of Kansas; and the corporators and their successors shall be competent in

law or equity to take to themselves in their said corporate name, real, personal; or mixed estate, by gift, grant, bargain and sale, conveyance, will, demise or bequest, of any person whatsoever; and the same estate, whether real, personal or mixed, to grant, bargain, sell, convey, demise, let, place out at interest, or otherwise dispose of the same for the use of said institution, in such manner as to them shall seem most beneficial to said institution. Said corporators shall faithfully apply all the funds collected, as the proceeds of the property belonging to the said institution, according to their best judgment, in erecting and completing suitable buildings, supporting necessary officers, instructors, servants and agents, and procuring books, maps, charts, globes and philosophical, chemical and all other apparatus necessary to the success of the institution, and do all other acts usually performed by similar institutions, that may be deemed necessary to the success of said institution, under the restrictions imposed; *Provided*, nevertheless, that in case any donation, demise or bequest, shall be made for particular purposes, accordant with the design of the institution, and the corporation shall accept the same; every such donation, demise or bequest, shall be applied in conformity with the express conditions of the donors or devisors: *Provided*, further, that said corporation shall not be allowed to hold more than two thousand acres of land at any one time, unless the said corporation shall have received the same by gift, grant or demise; and in such case they shall be required to sell or dispose of the same within ten years from the time they shall acquire such title, and in failure to do so, such land, over and above the before named two thousand acres shall revert to the original donor, grantor, devisors or their heirs.

Sec. 5. That the treasurer of the institution, and all other agents, when required, before entering upon the duties of their appointment, shall give bond for the security of the corporation, in such penal sum, and with such securities, as the corporation shall approve; and all processes against the corporation, shall be by summons, and the service of the same shall be by leaving an attested copy thereof, with the treasurer, at least sixty days before the return day thereof.

Officers to give bond.

Sec. 6. That the corporation shall have power to employ and appoint a president, or principal, for said institution, and all such professors or teachers, and all such agents or servants as may be necessary, and shall have power to displace any, or such

May appoint officers.

May fill vacancies.

of them as the interest of the institution may require; to fill vacancies which may happen by death, resignation or otherwise, among said officers and servants; and to prescribe and direct the course of studies to be pursued in said institution, by and with the advice and consent of the president and professors thereof.

May establish different departments.

SEC. 7. That the corporation shall have power to establish departments for the study of any and all the learned and liberal professions in the same, to confer the degrees of doctor in the learned arts and sciences and *belle lettres*, and to confer such other academical degrees as are usually conferred by the most learned institutions.

May institute a board of examiners.

SEC. 8. That the said corporation shall have power to institute a board of competent persons, always including the faculty, who shall examine such individuals as may apply, and if such applicants are found to possess such knowledge pursued in said institution as, in the judgment of said board, renders them worthy, they may be considered graduates in course, and shall be entitled to diplomas accordingly, on paying such fees as the corporation shall affix; which fee, however, shall, in no case, exceed the tuition bills of the full course of studies in said institution. Such examining board may not exceed the number of ten, three of whom may transact business: *Provided*, one be of the faculty.

If corporation acts contrary to provisions of this Act. Remedy.

SEC. 9. That, should the corporation, at any time, act contrary to the provisions of this charter, or fail to comply with the same, upon complaint being made to the proper court of the county in which said university is situated, a *scire facias* shall issue, and the proper attorney shall prosecute in behalf of the people of the Territory for forfeiture of this charter. This Act shall be a public Act, and shall be construed liberally in all courts, for the purposes herein expressed.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XLVI.

BLUE MONT CENTRAL COLLEGE ASSOCIATION.

AN ACT to Incorporate the Blue Mont Central College Association

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That J. Denison, S. D. Houston, C. E. Blood, W. McCullom, J. T. Goodnow, Washington Marlatt, G. S. Park, S. C. Pomeroy, T. H. Webb, and their associates and successors, are hereby constituted a body corporate, under the name and style of the Blue Mont Central College Association, and by that name shall have perpetual succession, and shall have a common seal, and may change and alter the same at pleasure, may sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity, and shall have power to hold by gift, grant, devise, purchase or otherwise, any lands, tenements, hereditaments, moneys, rents, goods and chattels of whatever kind, that have been heretofore, or may hereafter be given, granted or devised to, or purchased by them, for the benefit of said association, and may sell and dispose of the same, or any part thereof, on lease or rent, or improve the same in such manner as they shall deem most conducive to the interests of said association.

Names of corporators.

Powers.

SEC. 2. The objects of the association are, and shall be, the promotion of education and science in Kansas Territory.

Objects of association.

SEC. 3. It shall be lawful for this association to locate a college, to be called the Blue Mont Central College, at or near Manhattan city, Kansas Territory.

May locate a college.

SEC. 4. That the said association shall have power and authority to establish, in addition to the literary department of arts and sciences, an agricultural department, with separate professors, to test soils, experiment in the raising of crops, the cultivation of trees, and upon a farm set apart for the purpose, so as to bring out, to the utmost practical result, the agricultural advantages of Kansas, especially the capabilities of its high prairie lands.

Powers conferred.

SEC. 5. This association shall have power to make all rules, by-laws and regulations necessary to carry out the provisions of this Act.

May pass by-laws, &c.

SEC. 6. All property or funds, real, personal or mixed, that may be received, held or appropriated by or for said association,

Exempt from taxation.

for the exclusive purposes of education, literary, scientific and agricultural, shall be forever exempt from taxation; *Provided*, That nothing in this Act shall be so construed, in such manner, as to allow said corporation to hold more than five thousand acres of land at one time.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER XLVII.

EWING COLLEGE ASSOCIATION.

AN ACT to Incorporate the Ewing College Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporators.

SECTION 1. That George Ewings, Arthur J. Baker, David Swim, George W. Rees, William Quimsby and Elisha Goddard, their associates and successors, be, and they are hereby constituted a body politic and corporate, by the name and style of the Ewing College Association, and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever; said association is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said association, and management of its affairs.

Powers.

May hold real estate, &c.

SEC. 2. That said association shall have power to receive, acquire, recover and hold any money, or real or personal property, or estate, that may be granted, donated or devised for the use of said institution; and may purchase and dispose of property in such manner as will best promote the object of their organization.

Object of association.

SEC. 3. That the object and design of said association shall be the establishment of a college near the city of Americus, in which are to be taught the elementary branches of education,

together with sciences and modern and ancient languages, in the manner that may be determined from time to time by the proper officers of the said association, and as the same may be set forth in their by-laws and regulations.

SEC. 4. That no misnomer of the said association, shall defeat any intended gift, grant, conveyance, devise or bequest thereto, nor any act or deed, intended to be done or made thereby, be construed as not to permit said college to hold, at any time, more than three hundred and twenty acres of land. Misnomer not to defeat any gift, &c.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XLVIII.

HIGHLAND UNIVERSITY COMPANY.

AN ACT to Incorporate the Highland University Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Hon. Walter Lowrie, C. Van Rensselaer, D. D. J. Campbell, C. Graham, C. B. Campbell, G. S. Rice, E. M. Hubbard and S. M. Irvine, and their successors, duly elected and appointed in manner as is hereinafter directed, be, and they are hereby made, declared and constituted a corporation and body politic and corporate, in law and in fact, to have continuance by the name and style of Highland University Company, and by this name and style aforesaid, shall be able and capable, Names of corporators. Powers. in law, to take, receive and hold all manner of lands, tenements, rents, annuities, franchises and other hereditaments, which, at any time or times heretofore or hereafter granted, bargained, sold, released, devised or otherwise conveyed for the use of said company, and the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein, as in and by the the respective grants, bargains,

sales, enfeoffments, releases, devises and other conveyances, is, or are declared limited and expressed. Also, that said corporate members and their successors shall be able and capable, by the name and style aforesaid, to purchase, have, receive, take, hold and enjoy in fee simple, or of lesser estate or estates, and lands, tenements, rents, annuities, franchises and other hereditaments by gift, grant, bargain, sale, alienation, enfeoffment, or release of any person or persons, bodies politic and corporate, capable and able to make the same, and shall have full power and authority to convey all land so held or possessed.

Powers conferred.

SEC. 2. That said corporate members and their successors, by the name and style aforesaid, shall be able and capable to sue and be sued, plead and be impleaded, in any court of law or equity in this Territory.

May have a common seal.

SEC. 3. That the said corporate members and their successors shall have full power and authority to make, have and use a common seal, with such device and inscription as they may adopt, and the same to break, alter and renew at their pleasure.

Of members, term of office, &c.

SEC. 4. That the aforesaid corporate body shall consist of nine members, and, at their first regular meeting, shall divide themselves into three classes of three each, whose term of office shall expire in one, two or three years, according to their own arrangement, and these vacancies, as well as any that may be caused by death or resignation, shall be filled up, excepting in cases hereinafter provided for, by appointments of the Presbytery of Highland, from time to time, as these vacancies may occur.

Vacancies, how filled.

Church may take charge of University.

SEC. 5. That if, at any time, the General Assembly of the Old School Presbyterian Church in the U. S., should see fit to take the charge and oversight of the affairs of this corporation, they shall, and hereby have, full power so to do, by appointing in part, or in full, a board of trustees, who shall have full right and power to go forward with the business of the corporation according to the provisions of this charter.

Shall keep records of their acts, &c.

SEC. 6. That the aforesaid corporation shall keep a full and faithful record of all their acts and proceedings, and also a fair and just account of all their receipts and disbursements, to be signed from time to time by the president and secretary. And these records shall always be open to the inspection of the Presbytery of Highland, the General Assembly of the Old School Presbyterian Church, and the Legislature of this Territory.

SEC. 7. That said corporate members and their successors,

under the name and style aforesaid, are hereby empowered to make their own by-laws and ordinances, elect their own officers, and do everything incident to, and necessary for the government and management of said institution.

May pass by-laws, &c.

SEC. 8. That said corporate members and their successors, under the name and style aforesaid, shall have full right and power to take bonds and security from the treasurer, or any agent or officer they may employ; and also the privilege to confer literary and honorary degrees at any regular meeting, and to do all that, in common usage, is done by college trustees.

May take bonds from their officers, &c.

SEC. 9. This Act is hereby declared a public Act.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER XLIX.

HOLTON SEMINARY ASSOCIATION.

AN ACT to Incorporate the Holton Seminary Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Chancey Uowell, Andrew W. Smith; George Smith, M. A. Morris, Asa Raynard, are hereby constituted and created a body politic, by the name and style of the Holton Seminary Association, and by that name shall be capable to sue and be sued, plead and be impleaded, contract and be contracted with, may have and use a common seal, alter and break the same at pleasure.

Names of corporations.

Powers.

SEC. 2. That said company is hereby authorized to purchase and receive by donation, devise or otherwise, any quantity of land, not to exceed three hundred and twenty acres, for the purpose of erecting suitable buildings for the accommodation of said seminary, they shall have full power to make any by-laws, or make all useful regulations for said purposes.

May hold and convey real estate.

By-laws, &c.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council,

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER L.

KANSAS EDUCATIONAL ASSOCIATION OF THE M. E. CHURCH.

AN ACT Incorporating the Kansas Educational Association of the Methodist E. Church.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of cor-
porators.

SECTION 1. That L. B. Dennis, A. Still, C. H. Lovejoy, Ira Blackford, W. J. Piper, T. J. Ferril, Wm. Butt, N. Paylor, and their associates and successors, are hereby constituted a body politic and corporate, under the name and title of the "Kansas Educational Association of the Methodist Episcopal Church," and by that name shall have perpetual succession, and a common seal; may sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity, and shall have full power to hold by gift, grant, devise, purchase or otherwise, any land, tenements, hereditaments, moneys, rents, goods and chattels, of whatsoever kind, which have been heretofore, or may hereafter be given, granted or devised to, or purchased by them for the benefit of said association, and may sell and dispose of the same, or any part thereof, or lease, or rent, or improve the same, in such manner as they shall deem most conducive to the interest of said association.

Powers.

May hold and
convey real es-
tate.

Objects of asso-
ciation.

SEC. 2. That the objects of this association are, and shall be, the promotion of education in Kansas, under the patronage of the Kansas and Nebraska Conference of the Methodist Episcopal Church, or such Conferences as may be hereafter formed out of said Conference, within the bounds of the Territory of Kansas, and for the mutual benefit of the members of this association.

SEC. 3. That it shall be lawful for this association, to locate a university to be called "Baker University," at the town of Palmyra, or within one mile of said town. Also, to locate other seminaries of learning, in such places and of such grades as may be deemed best for the cause of education.

Privileges conferred.

SEC. 4. That the proceeds arising from the sale of any property belonging to this association, shall be appropriated to the Baker University, as the said association may direct, to the amount of at least three hundred thousand dollars, except such property as may be purchased or donated for other purposes.

Proceeds of sale of property of the association, how appropriated.

SEC. 5. That the association shall have power to make all rules, by-laws and regulations necessary to carry out the provisions of this Act.

May pass by-laws, &c.

SEC. 6. That all the property or funds, real, personal or mixed, that may be received, held, or appropriated by, or for said association, for the exclusive purposes of religion or education, including a cemetery not exceeding forty acres, shall be forever exempt from taxation.

Exemption from taxation.

SEC. 7. That in case said corporation shall hereafter, at any time, receive by gift, grant or devise, any number of acres of land exceeding one township of land, they shall be, and are hereby required to sell and dispose of the same, within twenty-five years from the date of such gift, grant or devise, and said corporation are hereby expressly limited to the holding at any one time, of more than one township of land, except when received by gift, grant or devise, as aforesaid, in which case they shall dispose of the same within the time aforesaid.

Required to dispose of land.

This Act to take effect [and be in force] from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 3, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LI.

MONEKA UNIVERSITY.

AN ACT to Incorporate the Moneka University.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporators.

SECTION 1. That Augustus Wattles, John O. Wattles, Erastus Heath, John B. Wood, Andrew Stark, R. Gillpatrick, and their successors be, and they are hereby constituted a body corporate, in deed, and in law, by the name, style, and title of the Moneka University, and by that name and title shall have perpetual succession, shall be capable in law and in equity to receive, take, and hold; for the use of the said university, lands, tenements, hereditaments, and estate real and personal, whatsoever, and the same to grant, bargain, sell, transfer, assign, mortgage, and convey, in such manner as the said corporators or a majority of them shall deem proper; and to receive and make all deeds, transfers, contracts, conveyances, covenants, and assurances whatsoever; and to make, have, and use a common seal, under and by which all deeds, assurances, diplomas, and acts of the said university or corporation, shall pass and be authenticated, and the same seal to change and renew at pleasure; and generally to do every other act or thing necessary to carry into effect the provisions of this Act, and to promote the objects and designs of the said corporators.

Powers.

Object of corporation.

SEC. 2. The object and design of said corporation, shall be the establishment of a university adjoining to, or within the town of Moneka, in which are to be taught the elementary branches of education, modern and ancient languages, mathematics, and modern sciences, in such manner as may be determined from time to time, by the proper officers of the said university, and the same may be set forth in their by-laws and regulations: *Provided*, such by-laws and regulations are not inconsistent with this charter.

May hold real estate.

SEC. 3. The corporation hereby created, shall have power to purchase and hold, or to enter by pre-emption, or otherwise, or to receive by donation, any amount of real and personal property, and any quantity of land, not to exceed four sections, necessary to the full execution of their trust; said property to be forever free from taxation of every kind, while devoted to the cause of education.

SEC. 4. The curators shall have power to issue stock in the university, to the amount of not over two hundred and fifty thousand dollars, said stock shall be divided in shares of one hundred dollars each, and each share shall entitle the holder to one scholarship, free of tuition, for the term of ten years from its date, or two scholarships for five years, in all branches of learning taught in the university. May issue stock

SEC. 5. The first money raised from the sale of shares, not to exceed fifty thousand dollars, shall constitute a fund to erect suitable buildings, three-fourths of the remainder, shall constitute in perpetuity an educational fund for supporting professors and teachers, and meeting the current expenses of tuition in all the various departments of the university; the remaining funds to be used in purchasing a library, and chemical, philosophical, and astronomical apparatus, in improving the grounds, in furnishing shops, and in stocking the farm, and in the collection and preservation of botanical, mineralogical and geological specimens, and other necessary and incidental expenses connected with the general good of the university. First money raised for stock how disposed of.

SEC. 6. The officers of the university shall consist of five curators, whose term of office shall be so arranged that a vacancy shall occur annually, when a new curator shall be elected by the members. Vacancies occasioned by death, shall be filled in the same manner. Officers.

SEC. 7. The board of curators shall have charge of the funds, the appointment of the faculty, and the general superintendance of the finances and other interests of the university, and shall elect from their number a president, secretary and treasurer, whose general duties shall correspond with those usually pertaining to such offices, and such special duties as are hereinafter provided for. Duties of curators.

SEC. 8. The Secretary shall safely keep all records, books and papers, pertaining to his office, open for inspection, and deliver them to his successor in office, and shall execute all deeds and conveyances for the university. May elect officers.

SEC. 9. The treasurer shall keep a minute account of all moneys received by him for the university, pay out the same by order of the curators, signed by the secretary, make a quarterly report of his acts to the secretary, and a yearly report to the board of curators; and the secretary and treasurer, shall each of them, before entering upon the duties of their respective offices, execute and deliver to the president, bonds for the faithful per- Duty of secretary.

Duties of treasurer.

formance of the duties of their respective offices, with security approved by the board of curators.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved, February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LII.

PARDEE SEMINARY.

AN ACT to incorporate the Pardee Seminary.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporators.

SECTION 1. That Pardee Butler, Smith G. Moore, Caleb May, Milo Carlton and Archibald Elliott, their associates and successors, be, and are hereby created into a body politic and corporate, in deed and in law, by the name and style of the Pardee Seminary, and by that name and style shall have perpetual succession, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, defend and be defended, in all courts and places whatsoever. Said association is authorized to use a common seal, and to alter or change the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said association and management of its affairs.

Powers.

May hold real estate &c.

SEC. 2. That said board of trustees shall have power to receive, acquire, recover, and hold any money, or real or personal property, or estate, that may be granted, donated or devised for the use of said institution, and may purchase and dispose of property in such manner as will best promote the object of their organization.

Powers granted

SEC. 3. That said corporation shall have power to confer all the literary honors and degrees conferred by similar institutions, and to create such other degrees as may best promote the educa-

tion of agricultural and professional teachers for common and high schools.

SEC. 4. That said board of trustees is hereby empowered to appoint a faculty, the president of which shall be ex-officio president of the board of trustees, and to appoint such other officers and tutors as the interest of the institution may require ; they may also displace the same, and may make such other regulations as will further the interest of the seminary : *Provided*, they be not inconsistent with the laws of the land.

Empowered to appoint a faculty and officers.

SEC. 5. That said corporation shall have power to displace members of their own body, who shall become disqualified for duty, by age, infirmity or otherwise, or who shall fail to perform their duties from neglect of the interest of the institution.

Have power to displace members.

SEC. 6. That the object and design of said corporation, shall be to the establishment of a seminary, within the limits of the town of Pardee, in which are to be taught the elementary branches of education, together with the sciences, and modern and ancient languages, in the manner that may be determined, from time to time, by the proper officers of the said corporation, and as the same may be set forth in their by-laws and regulations.

Object of corporation.

SEC. 7. That no misnomer of said corporation, shall defeat any intended gift, grant, conveyance, devise or bequest thereto, nor any act or deed intended to be done or made thereby.

No misnomer to defeat any gift &c.

SEC. 8. That the second section of this Act, shall be so construed as not [to] permit said seminary to hold at any one time more than one hundred and sixty acres of real estate.

Not to hold over 160 acres.

This Act to take effect from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LIII.

SUMNER UNIVERSITY.

AN ACT to Incorporate the Sumner University.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

University in-
corporated.

SECTION 1. That an institution of learning is hereby incorporated, under the name and style of the Sumner University, to be located at the city of Sumner, in the Territory of Kansas.

Names of di-
rectors.

SEC. 2. For the government of said university, the following persons are constituted a board of directors under the name and style of the board of directors of the Sumner University, of the city of Sumner, to wit: Charles Sumner, Horace Mann, Marcus J. Parrott, Arthur B. Fuller, W. H. Hornell, David Reed, David Sanford, J. C. Webster, George Ball, Albert Barber, Stephen Barnard, Robert Crozier, Wm. M. McClure, John C. Douglas, Daniel Newcomb, Evan P. Lewis, Washington Mason, Cyrus F. Currier, Caleb A. Woodwarth, Pardee Butler, Joseph Sthelin, and John P. Wheeler, and in their corporate capacity may sue and be sued, plead and be impleaded, defend and be defended, in any and all courts of law or equity in this Territory and elsewhere.

Powers con-
ferred.

SEC. 3. That the board of directors hereby constituted, shall have full power in their corporate capacity, to hold by gift, grant, devise, purchase or otherwise, any lands, tenements, hereditaments, moneys, goods or chattels, of whatsoever kind, which are or may be given, granted, purchased, devised, or otherwise come into their possession, for and to the use of said university, and may sell, dispose of and convey the same, or any part thereof, or lease, rent or improve, in such a manner as they may think best for said university.

May hold real
estate.

May fill vacan-
cies.

SEC. 4. That the board of directors hereby incorporated, shall have full power to fill all vacancies which may occur in their own body. Any five of whom shall be a quorum at any regular meeting appointed for the transaction of business.

May appoint
officers.

SEC. 5. That the board of directors aforesaid, shall have power to appoint from time to time a president, vice-president, secretary, treasurer, and such other officers or agents as may be necessary in the management of the affairs of said university, and said board shall have power and authority, to take bonds from such officers and agents in such sums as may be deemed pro-

per, and shall have in all matters the powers and privileges, conferred by the provisions of an act, entitled "An Act concerning Corporations."

Sec. 6. Said board of directors is hereby empowered to appoint a faculty, and to appoint such other officers and tutors as the interest of the institution may require; they may also displace the same, and make such by-laws and regulations as will further the interest of the university: *Provided*, they be in conformity with [the] Constitution of the United States and the Organic Act of this Territory. May appoint faculty &c.

Sec. 7. That the faculty of said university shall have power to confer all the literary honors and degrees conferred by similar institutions, and to create such other degrees as may best promote the education of agricultural and professional teachers for common and high school. Powers of faculty.

Sec. 8. That the third section of this Act, shall be so construed as not to permit said university to hold at any time, more than five thousand acres of real estate. Real estate limited to 5,000 acres.

This Act to be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LIV.

WAYLAND UNIVERSITY.

AN ACT to Incorporate the Wayland University.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. An institution of learning is hereby authorized and established at the city of Palermo, to be known as the Wayland University, designed to promote and encourage the diffusion of knowledge in all the branches of literary, legal and medical learning. Institution incorporated.

Sec. 2. The corporate power of said university, shall be vested in a board of trustees, to consist of not less than nine nor more Corporate powers vested in a board of trustees.

than fifteen persons, and the president of the university shall be ex-officio a member of said board. Said board shall have power to fill all vacancies that may occur in the same, and to elect new members thereof. John W. Hoyt, A. M. M. D., C. K. Holli-day, A. M., Rev. James T. Holiday, Walter Oakly, C. H. Beals, M. D., I. B. Wheeler, M. D., H. E. Deming, M. D., Geo. R. Sabin, Elijah Hughes, John Stiarwalt, Barney H. York, James M. Hunt, Lorenzo D. Bird, Reuben Middleton, William Palmer, and their successors in office, are hereby created a body politic and corporate, and shall have perpetual succession, and in their corporate capacity may sue and be sued, plead and be impleaded, defend and be defended against in any court, either of law or equity.

Names of cor-
porators.

Powers.

May hold lands
&c.

SEC. 3. The board of trustees and their successors forever, shall be known and styled the Trustees of Wayland University, and shall have full power in their corporate capacity, to hold by gift, grant, devise, demise or otherwise, any lands, tenements, hereditaments, moneys, rents, goods or chattels, of what kind soever the same may be, which are or may hereafter be given, granted, demised, devised to, or purchased by them, for and to the use of the aforesaid university, and may sell and dispose of the same or any part thereof, or lease, rent or improve in such manner as they shall think most conducive to the interests and prosperity of said university: *Provided*, that said corporation shall not at any one time hold more than five thousand acres of land.

The property
and funds how
appropriated.

SEC. 4. That the property and funds of said university shall be exclusively appropriated by the board to the endowment and support of the institution in such manner as will best promote sound learning, virtue and piety; but no property or funds given for a special purpose or on certain conditions, shall be appropriated in any other way or to any other object, than that directed by the donor, or be subject to any claims or incumbrances by which they may be diverted from the purposes for which they were given.

Trustees to ap-
point a presi-
dent, professors
&c.

Powers of trus-
tees.

SEC. 5. That the board of trustees and their successors, shall have full power and authority to appoint a president, and such professors, teachers, officers and agents, as may be deemed necessary, to displace the same, and to declare their duties, tenures and emoluments; to remove a trustee for any cause which a majority of the whole number may deem sufficient, to define the qualifications of a trustee; to enact and enforce all such statutes,

ordinances, rules and by-laws, as shall be deemed just, wise and expedient for the management of the interests of the university, and for the advancement of learning morality and piety, so that the same are not repugnant to the laws of this Territory; to establish the different departments of said university; to confer degrees and distinguishments, by such literary honors and rewards as they may judge proper. Said board shall generally and particularly possess and enjoy all powers, rights and privileges, usually exercised and enjoyed by universities; but no corporate business shall be transacted at any meeting of said board, unless five members are present, which number shall constitute a quorum, nor at any meeting of which due notice has not been given.

SEC. 6. Said corporation shall have a common seal, with some distinctive device and inscription, and may alter the same at pleasure, and all deeds or other instruments relating to the revenues or proprietary interests of the university, and all diplomas or other testimonials to distinguish literary merit, when signed, sealed and delivered by the president of the university, in accordance with the order of the board of trustees, shall be in law the acts of said corporation and not otherwise.

Shall have a common seal.

SEC. 7. Said board of trustees shall not have power to contract debts that will encumber or alienate the real estate, or impair the permanent funds of the institution, nor any debts beyond its resources or means of payment.

Powers not granted to trustees.

SEC. 8. Any three members of said board of trustees may fix the time and place of holding the first meeting of said board, of which they shall give notice in writing to each member, at least five days previously thereto. The trustees at their first meeting, shall fix, by by-law, the time and place of their meeting thereafter, subject to change by any subsequent action of the board.

Of meetings of the trustees.

SEC. 9. The board of trustees may prescribe the course of study to be pursued in said university, and the terms of admission into the same; but the faculties of said university shall prescribe such rules and regulations in the conferring of honors and giving diplomas as they may deem useful and necessary.

May prescribe the course of study &c.

SEC. 10. Before entering upon the discharge of the duties of his office, the treasurer shall give bond and security for the faithful discharge of the duties of his office, the sufficiency of his securities to be approved by a majority of the board of trustees, and no member of said board of trustees shall be received as such security. The treasurer shall take charge of the funds of the university, which may be placed in his hands by order of the

Treasurer to give bond &c. Duty of secretary.

board, and shall perform such other services as may be prescribed by the board.

Duty of secretary.

SEC. 11. The secretary shall keep a just and fair record of the proceedings of the board, which he shall enter in a book to be provided for that purpose, subject to the examination and inspection of all donors to the institution, and shall perform such other duties as may be prescribed by the board.

Free from taxation &c.

SEC. 12. The board of trustees may take such measures in regard to the endowment of said university as they may think proper, and all property and effects belonging to said university, as held by virtue of the foregoing section, shall forever be free from taxation.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LV.

WILMINGTON SEMINARY.

AN ACT to Incorporate the Wilmington Seminary.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporations.

SECTION 1. That Henry Harvey, Stephen C. Oakley, Asael Penfield, James B. Ingarsell, Walter Oakley, E. H. Penfield and Asa Reynard, are hereby constituted a body corporate, under the name and style of the Wilmington Seminary, and they shall have perpetual succession and a common seal, and in their corporate capacity may sue and be sued, plead and be impleaded, defend and be defended, in all courts whatsoever.

Powers.

May acquire real estate &c.

SEC. 2. That said board of trustees, shall have power to receive, acquire, recover and hold any money, or real or personal property, or estate, that may be granted, donated, or devised for the use of said institution, and may purchase or dispose of pro-

party in such manner as will best promote the object of their organization.

SEC. 3. That said corporation shall have power to confer all the literary honor and degrees conferred by similar institutions, and to create such other degrees as may best promote the education of agricultural and professional teachers for common and high schools. Powers granted

SEC. 4. That said board of trustees is hereby empowered to appoint or elect a faculty, the president of which shall be ex-officio president of the board of trustees, and to appoint or elect professors, tutors, and such other officers as the interests of the institution may require; they may also displace the same for sufficient reasons, and may make such by-laws and regulations as will in their opinion further the interests of the seminary. Trustees may appoint a faculty &c.
May make by-laws &c.

SEC. 5. That the property held and owned by this corporation shall be free from all taxation whatsoever. Free from taxation.

SEC. 6. That the Wilmington Seminary shall be located in the town of Wilmington, or within one mile of the limits of said town. Where located

SEC. 7. That this Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER LVI.

NAME CHANGED.

AN ACT to Change the Name of Eliza Hamilton, and make her heir-at-law of H. J. Canniff.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the name of Eliza Hamilton be, and is hereby changed to that of Jennie E. Canniff, and is hereby made the heir-at-law of H. J. Canniff. Name changed to Jennie E. Canniff.

This Act to take effect and be [in] force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 8, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LVII.

FRANKLIN INSURANCE COMPANY, OF LEAVENWORTH.

AN ACT to Incorporate the Franklin Fire, Marine and Life Insurance Company, of Leavenworth.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Name and style of the incorporation.

SECTION 1. That all persons that do become stockholders in the capital stock hereinafter mentioned, their successors and assigns, shall be, and are hereby constituted and made a body corporate, by the name and style of the Franklin Fire, Marine and Life Insurance Company. The office of said Company shall be in the city of Leavenworth, in this Territory.

Office where kept.

Capital stock shall be divided into shares, &c.

SEC. 2. That the capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and there shall be paid into the treasury of said company, by each subscriber to the capital, at the time of subscription, an installment of five per cent. on the stock by him subscribed, the remainder to be paid or secured to be paid, on real estate or other security, as the directors hereinafter mentioned shall deem sufficient; and until five hundred shares of said stock is subscribed for, and paid, or secured to be paid as aforesaid, said company shall not commence business.

Affairs, &c., to be managed by directors.

SEC. 3. That the stock, property and affairs of said company shall be managed and conducted by not less than six directors, and such officers, clerks and agents, and other persons as said directors may appoint from time to time; and the directors shall divide themselves into three classes. The term of the first class shall expire on the first Monday in February, in the following year, or as soon thereafter as others are elected in their stead.

Classes of directors.

The first directors shall hold their office for at least one year after the company commences doing business. The annual election of directors shall be held on the first Monday of February, at such place in the city of Leavenworth as the directors may appoint; and the polls of such election shall be open from ten until four o'clock P.M. of said day; of which notice shall be given in some newspaper published in the city of Leavenworth, at least two weeks previous to said election. Said election shall be held under the direction of three stockholders, to be appointed by the directors; and said directors shall be elected by a plurality of votes of the stockholders present at said election, and their proxies, allowing one vote for every share of stock.

Election to be held.

SEC. 4. That it shall be the duty of said directors, on organizing, and annually thereafter, to choose from their number a president, and they may elect a vice-president and secretary. The vice-president's duty shall be to perform all the duties of the president, in case of his absence or inability.

Officers to be elected.

SEC. 5. That George C. Knight, Dan Reisinger, Ed. F. Fenlon, Frederick N. Hamlin, N. S. Knight, Henry J. Adams, shall be the first directors of said company, and are hereby constituted commissioners to receive subscriptions to the capital stock of said company; and when said stock shall be subscribed and paid, or secured to be paid, as is mentioned in the second section of this Act, the said commissioners shall call a meeting of the stockholders, by personal or written notice, stating the time and place at which said meeting shall be held. At the time and place so specified, the stockholders and their proxies shall, by resolution, determine the number of directors of said company, which may be any number not less than six, nor exceeding twenty. The directors mentioned in this section, shall appoint three inspectors of said election. Should vacancies at any time occur, they may be filled by the remaining directors, until others are elected by the stockholders.

Names of commissioners.

Their powers.

SEC. 3. [6.] That the said company shall have power to make insurances upon vessels, freights, goods, wares, merchandize, specie, jewels, bank notes, bills of exchange and other evidences of debt, *bottomry* and *respondentia*, interests, and to make all and every insurance connected with marine risks, and the risks of transportation and inland navigation; also upon dwelling houses, stores, and all kinds of buildings, household furniture and all other property, against loss or damage by fire or storm, and re-insure the same; and also all or every insurance apper-

Power to make insurances on vessels, freights &c.

taining or connected with life or health insurance, and to cause themselves to be insured, when deemed expedient, against any risk or risks on which they may have or make insurance.

Of policies, &c. SEC. 7. That all policies of insurance or other contracts, authorized by this Act, which may be made and entered into by this corporation, may be with or without seal thereof, and shall be subscribed by the president or vice-president, and attested by the secretary, or person acting as such, and being so signed, executed and attested, shall be binding and obligatory upon said corporation, unless otherwise expressed therein.

May hold real estate, &c.

SEC. 8. That it shall and may be lawful for said company to take and hold any real estate or securities, mortgages or pledges to the said company, to secure the payment of any debt which may be contracted by or with said company, and to foreclose the same; or to purchase on sale made by virtue of any judgment at law, or by order or decree of any court of equity, or any other legal proceeding; or otherwise to receive and take any real or personal estate in payment or towards satisfaction of any debt previously contracted, due said company, and to hold the same until they can conveniently sell and convert the same into money or other personal property; and also for the purpose of carrying out the object contemplated by this Act. The said company may, in their discretion, invest in such public or private stock, or in the purchase of real estate, whatever surplus capital funds or net profits may from time to time accumulate in the treasury of the company, or in such other manner as to the officers thereof will appear best calculated to promote the interest of the company.

Of capital stock.

SEC. 9. That the capital stock of said company shall be transferable according to the rules and regulations prescribed by the directors; and any subscriber of any share or shares of said stock, who shall neglect for thirty days after having been duly notified to pay the installment aforesaid, or to secure the residue of the share or shares by him subscribed, shall forfeit the same to the said company, and all payment made thereon, and all profits that may have arisen thereon.

Directors may make a dividend.

SEC. 10. That it shall be lawful for the directors of said company to make a dividend of so much of the profits of said company as shall appear advisable; but the dividend shall not at any time exceed the amount of clear profits made by the company; but the capital stock shall be and remain unimpaired. And if the said directors shall at any time knowingly make a

dividend of the capital aforesaid, they shall be individually liable for the proportion of the stock so divided, and any action of debt may be brought against them, or any of them, in any court of record in this Territory, by any creditor of said company; and each director present when such dividend shall be made, shall be adjudged consenting thereto, unless he forthwith protest against such dividend, and requests his protest to be entered in the minutes of said company, and gives further notice to the stockholders of the declaring of such dividend, by advertising his said protest, within ten days thereafter, in a newspaper published in the city of Leavenworth.

This Act shall take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved February 8, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER LVIII.

LAWRENCE INSURANCE COMPANY.

AN ACT to Incorporate the Lawrence Fire, Marine and Life Insurance Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. An insurance company is hereby established with a capital of fifty thousand dollars, which may be increased at the will of the stockholders to any amount not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and transferable on the books of the company, as its by-laws shall prescribe. Lyman Allen, James Blood, G. W. Deitzler, Lewis N. Tappan, Samuel F. Tappan, C. W. Babcock, S. B. Prentiss, O. E. Leonard, their associates, or any three of them, shall be commissioners to open books for subscription to said stock, in such manner and at such times and places as they may appoint, until thirty thousand dollars of stock shall be subscribed; and in a reasonable time thereafter, and on written notice of at least ten days

Insurance company established.
 Capital.
 Names of commissioners.
 Duties.

from said commissioners, the subscribers shall meet and choose a board of eight directors, four of whom shall hold office until the first annual meeting of the company, and four until one year thereafter.

Powers of corporation.

SEC. 2. The subscribers to said stock, their successors and assigns, shall be a body corporate and politic, by the name and style of the Lawrence Fire, Marine and Life Insurance Company, by which name they shall have succession for thirty years, and are made capable in law of buying and holding property of every kind, and the same to sell; of contracting and being contracted with, of suing and being sued, of defending and being defended, in all courts and places whatsoever, in all manner of actions; to have a common seal, and change the same at pleasure; and possess all powers which may be necessary to enable said company to prosecute the business of said company.

Of the payment of stock.

SEC. 3. One per cent. of said subscription shall be paid to the commissioners at the time of subscribing the same, and nine per cent. additional shall be paid to the treasurer within three days after his election, as hereinafter provided, on penalty of forfeiting his stock and the payment already made; and the balance due shall be satisfactorily secured and made payable on demand; and if any stockholder fails to make payment of any installment called for on his subscription, within thirty days after said call, the directors shall have power to sell his stock and securities for the purpose of paying the same, subject to such terms as the by-laws shall prescribe.

Power to insure property, &c.

SEC. 4. The corporation thus created shall have power and authority to insure all kinds of property against loss or damage by fire; to make insurance against loss in property of every kind in the course of transportation, whether happening on land or water; to make insurance on the lives of individuals, and accidents by travel, and every insurance appertaining thereto or connected with such risks, and to grant, purchase or dispose of annuities, and to make such other insurance as they may deem proper or expedient, and to insure themselves against loss on any risk which they may have taken; and generally to do and perform all things necessary and proper, connected with these objects, or either of them.

Affairs to be managed by a board of directors

SEC. 5. The affairs of said corporation shall be managed, subject to its by-laws, by a board of eight directors, who shall be stockholders and residents of the Territory, and four of whom shall be elected for a term of two years, at an annual meeting of

stockholders, which shall be held on the second Tuesday of January in each year, or as soon thereafter as shall be practicable. Election to be held for directors.
 A majority of directors shall be a quorum to do business.

SEC. 6. On the day after the annual meeting, the board of directors shall elect from their number a president, who shall be president of the company, a vice-president, who shall act as president, in case of the absence or disability of the latter, and a secretary, all of whom shall hold their office until their successors shall be elected and qualified. President elected by directors. Vice president.

SEC. 7. All meetings of the stockholders or directors shall be held at the office of the company, in Lawrence, and all elections shall be held by ballot. Meetings where held.

SEC. 8. Any director ceasing to be a stockholder or resident of the Territory, shall at the same time cease to be a director.

SEC. 9. The company shall have full power and authority to invest its surplus capital and funds in any funded debt of the United States Government, or of any State, or of the city of Lawrence, or in mortgages on real estate, promissory notes or bills of exchange, or *en bottomry respondentia*, and to sell and transfer, change and re-invest the same, as the directors may deem for the interest of the corporation, to be made available in the line of ordinary business. Powers conferred.

SEC. 10. All policies of the company shall be signed by the president and secretary, and sealed with the seal of the company. Policies to be signed, &c.

SEC. 11. The company shall have power to establish such agencies as may be deemed necessary for carrying on its business. May establish agencies.

This Act shall be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LIX.

WHITE CLOUD INSURANCE COMPANY.

AN ACT to Incorporate the White Cloud Insurance Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Company established.

Capital stock.

Names of commissioners.

To open books, &c.

Name of company.

Powers conferred thereon.

SECTION 1. That an insurance company shall be established in the town of White Cloud, in the county of Doniphan, Territory of Kansas, with a capital of fifty thousand dollars, which may be increased at the will of the stockholders owning a majority of the stock, from time to time, to any amount not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each, to be subscribed and paid for by individuals, companies [or] corporators, in the manner hereinafter specified.

SEC. 2. That W. D. Barber, Cornelius Dorhamd, C. F. Jennings, Ozias Bailey, B. B. Frazer, C. W. Williams, Solomon Miller, James L. Birkley, John H. Utt, James Foster, H. W. Peter, or any three of them, be, and they are hereby constituted commissioners to open books of subscription in said town of White Cloud, for the capital stock of said company, on the first day of March, 1858, and keep them open every day from ten o'clock A.M. to three o'clock P.M., for the space of ten days, or until all the stock be subscribed for, when they shall be closed; and within a reasonable time thereafter, the subscribers shall meet and choose their directors, the commissioners first giving at least ten days notice, in one or more newspapers printed in Kansas Territory, of the time and place of such meeting.

SEC. 3. That the subscribers for the stock of said company, their associates, successors and assignees, shall, and they are hereby created and declared [a] body corporate and politic, by the name and style of the White Cloud Insurance Company, and shall so continue for the term of twenty-five years; and by that name, they and their associates shall have perpetual succession, and shall [be,] and [are] hereby made capable in law of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and being answered unto, of defending and being defended against in all courts and pleas whatsoever, in all manner of actions, suits, complaints and cases; and they and their successors may have and use a common seal, and the same change and alter at pleasure, and shall have power to arbitrate, compromise, and all other

powers necessary and proper for an insurance company, and which may be useful and necessary to carry into complete effect purpose of this Act.

SEC. 4. That the company hereby created shall have full power and authority to make all kinds of insurance against loss on ships, steamboats or other vessels, their cargoes, goods, wares, merchandize, produce, gold and silver bullion and coin, freight, wages, property of every kind in the course of transportation by land and water; to make insurance against loss or damage by fire, on land or water, on every description of property or merchandize; to make all kinds of insurance upon lives, and to make such other insurance as they judge expedient, and generally to do and perform all necessary matters and things relating to or in connection with the said objects, or either of them. The said company may also have the privilege of insuring themselves against all maritime and other risks, and upon the interest they may have in any vessel or vessels, goods or merchandize; against all losses they may incur by reason of any insurance made by said company on any life or lives, or against losses by fire, the perils of the sea, or inland navigation and transportation.

Power to make all kinds of insurance.

SEC. 5. That the stock and officers of said corporation shall be managed and controlled by seven directors, who [shall] be stockholders of said company. They shall, after the first year, be elected on the first Monday of December, in each year, at the offices of the company in White Cloud, within such hours as the board of directors for the time being shall appoint; and shall hold their offices for one year, and until others shall be chosen to supply their places, and no longer. Ten days notice of such election shall be given, and it shall be holden under the inspection of three stockholders, appointed by the board of directors, and shall be made by ballot, by a plurality of the votes of the stockholders voting, allowing one vote for every share; and stockholders not personally present may vote by proxy, made in writing, directed to the person representing them at such election. In case that it should at any time happen that one election of directors should not be made on any day when, pursuant to this Act, it ought to have been made, the said corporation shall not for that cause be dissolved; but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall be regulated by the by-laws of the company.

Of the directors and their election.

SEC. 6. That the directors regularly chosen by the stockholders of said company, as soon as may be after every annual election,

The president and his duties.

[shall] proceed to choose out of their body one person to be president, who shall preside and hold his office for the same period for which the directors are elected, and shall require a majority of all the directors for such choice; and in case of a vacancy by death, resignation, non-residence, or other cause, of the president, directors, or other officers of the company, such a vacancy shall be filled by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president *pro tem.*, who shall perform all the duties of the president regularly chosen.

Stock considered personal property.

SEC. 7. That the stock of said company shall be considered personal property, and shall be assignable and transferable according to such rules and regulations as the board of directors shall from time to time make and establish, subject, however, to the general laws of the Territory.

Powers of directors.

SEC. 8. That the major part of the directors of said company shall constitute a board, and shall be competent [for] to the transaction of the business of the corporation, and they shall have the power to appoint a secretary, and such clerks, agents, assistants, and other servants, as they may deem expedient, and also from time to time appoint one or more persons from their own body, to assist in the performance of the business of the company, with such salaries and allowances as they may think proper, to insure against all risks authorized by this Act, to receive for the amount of the premiums, and to regulate such notes, endorsed and payable in such manner, and at such times as they may deem proper, in conformity to such regulations and by-laws as shall be made on the subject; to declare and make dividends yearly of so much of the profits, arising from the business of the company, as shall appear to the board of directors advisable; but the money received and notes taken for premiums, and guarantees or risks, which shall not have been expressed at the time of making such dividend, shall not be considered as forming a part of the profits of said company; to settle, adjust and pay down all losses for which the company may become liable, according to the rules and regulations which shall be prescribed by the by-laws. They may, however, confide to the president and secretary, or any two of the directors, the power of insuring risks, fixing and receiving premiums and guarantees, adjusting and paying losses to such amount as they may think prudent; to make and prescribe such regulations, rules and by-laws as to them shall seem proper, touching the business and interest of said

company, and to have power generally to do and perform all acts necessary and convenient for the government of the affairs of said corporation, and to carry into effect the powers and purposes of this Act.

SEC. 9. That it shall be lawful for said company to purchase and hold such real estate as may be convenient for the transaction of its business, and also to take and hold any real estate as a security, or in mortgage or pledge, to secure the payment of debts due said company, either for shares of the stock company or otherwise, and also to purchase and hold real estate at any sale made in virtue of any judgment at law, or decree in equity in favor of said company, previously contracted in the course of its dealings; any real estate, and to hold all such real estate so long only as may be necessary to enable said company to make sale of the same for money, or on such other terms as they shall deem most for the interest of the company; but it shall not be lawful for said company to employ any of its stock funds or money in buying or selling goods, wares and merchandize, to execute any notes or bills; nor shall it be lawful for said company to make any for the payment of the money in the line of the ordinary business of said company.

May purchase and hold real estate, &c.

SEC. 10. That all policies or contracts of insurance and instruments of guarantee made by said company, shall be subscribed by the president or president *pro tem*.

Policies to be signed, &c.

SEC. 11. That the payment of the stock subscribed shall be made and corporated by the subscribers respectively at the time and in the manner following: that is to say, at the time of subscribing, there shall be paid five dollars on each share; after the election of directors, and before the company shall go into operation, there shall be paid the further sum of five dollars on each [share,] and the balance shall be subject to the call of the board of directors; and said company shall not be authorized to make any contracts, policies of insurance, or guarantee, until the whole amount of capital stock subscribed shall be actually paid, or satisfactorily secured, to be paid on demand, by approved notes, hypothecated stocks, or mortgages on real estate.

Of the payment of stock.

SEC. 12. That the board of directors of said company shall convene according to their by-laws, or whenever required by the president, or any two of the directors.

This Act shall take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER LX.

KANSAS VALLEY BANK.

An ACT repealing An Act, entitled "An Act to Incorporate the Kansas Valley Bank."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Act repealed.

SEC. 1. That An Act entitled "An Act to Incorporate the Kansas Valley Bank," approved February nineteenth, one thousand eight hundred and fifty-seven, be, and the same is hereby repealed.

This Act to take effect and be in full force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved, February 3, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER LXI.

KANSAS VALLEY BANK BRANCH.

AN ACT for the relief of the Kansas Valley Bank Branch at Atchinson.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Exempt from provisions of a bill repealing &c.

SECTION 1. That the Kansas Valley Bank Branch at Atchinson, be, and the same is hereby exempted from the provisions of

the bill, repealing the charter of said Bank. Approved February 3, 1858.

SEC. 2. This Act is to take effect from and after its passage.

[Signed.]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXII.

BANKS IN KANSAS TERRITORY.

AN ACT Establishing certain Banks in Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That three banks shall be, and are hereby established in the Territory of Kansas, at the places, and subject to the provisions hereinafter named, and that the corporators of said banks, and their associates, their successors and assigns, are hereby created bodies politic and corporate, distinct from each other, for the term of twenty-five years from the passage of this Act, and shall each have power, in the name of the president, directors and companies of the respective banks, in law and in equity, to purchase, possess, use and sell any property the same as individuals ; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts whatever ; to make and use a common seal, and the same to break, alter and renew at pleasure, to make and execute such by-laws as may be deemed necessary and convenient for the government and management of said bank, not being contrary to the constitution of the United States ; and, generally, to do and execute such things and acts as corporations or bodies politic in law or in fact can legally do ; and that all the provisions hereinafter named, shall apply equally to each of said banks, and to no other as distinct and separate corporations, in all respects whatever.

Banks established.

Powers conferred.

SEC. 2. The names, location and corporators of said banks, shall be as follows, viz.: 1. One to be called the Lawrence Bank ;

Names of banks and the corporation.

shall be located in the city of Lawrence, and the corporators thereof shall be Robert Morrow, S. W. Eldridge, S. B. Prentiss, James Blood and H. Shanklin. 2. One to be called the Bank of Leavenworth; shall be located in the city of Leavenworth, and the corporators thereof shall be Henry J. Adams, John Kerr, Samuel Harsh, Henry Foote and I. W. Morris. 3. One to be called the Bank of Wyandott; shall be located in the city of Wyandott, and the corporators thereof shall be Wm. Y. Roberts, J. M. Winchell, Thomas B. Eldridge, James D. Chesnut and J. S. Emery.

Board of directors.

SEC. 3. The corporators of each bank, and their associates to the number of eight, shall constitute a board of directors, who shall manage the affairs of the bank till the first annual election shall take place, and till their successors shall be duly qualified, and any vacancy in said board may, at any time, be filled by the remaining members.

Of directors and their election.

SEC. 4. The board of directors, after the first year, shall consist of eight stockholders, resident in the Territory, four of whom shall be elected for a term of two years, at an annual meeting of stockholders, to be held on the second Tuesday of January in each year, or as soon thereafter as practicable. The first annual meeting shall be held in the year 1859, and at that meeting four directors shall be chosen for a term of two years, and four for a term of one year. Any director selling his entire stock or interest in the bank, or removing from the Territory, shall cease to be a member, and his place shall be filled by the remaining members. Every director shall remain in office until his successor shall be elected and qualified, and a majority shall constitute a quorum to do business.

Officers to be elected by board of directors.

SEC. 5. On the day following the annual election, the directors shall meet and organize the board, by the election from their number, of a president, who shall be the president of the company; a vice president, who shall act as president during the absence or disability of the latter, and a cashier, who shall be the secretary of the company; all of whom shall hold their offices for one year, or until their successors are elected and qualified. No director shall receive any salary as such, but the board may allow the president and cashier such compensation as they may see fit. The board of directors, for the present year, however, may elect a cashier, who is not a member of the same, should they see fit to do so.

SEC. 6. All elections, whether by the stockholders or directors,

shall be by ballot, and all ballots cast, shall be carefully preserved under seal for future reference. Elections to be by ballot.

SEC. 7. The capital stock of each bank shall be one hundred thousand dollars, (\$100,000,) with power, on the part of the board, to increase the same from time to time, with the consent of the comptroller, and to an amount not greater than fifty thousand dollars at any one time. The stock shall consist of shares of one hundred dollars each, which shall be personal property, and transferable only on the books of the company, in such manner as its by-laws shall prescribe. Each share of the stock shall entitle the owner to one vote at any stockholders' meeting, which vote may be cast by any person authorized by him in writing to do so. Of capital stock

SEC. 8. Every director or other officer, before entering upon the discharge of his duties, shall be sworn, faithfully, honestly and impartially, to discharge said duties, and to observe and execute the provisions of this Act. Officers to be sworn.

SEC. 9. The cashier shall, at any time, call a special meeting of the stockholders or directors, by order of the president, giving written notice to the former, of at least thirty days, and to the latter of twenty-four hours, and the president shall, at any time, order such meeting of stockholders, on the written request of the owners of one-fifth of the stock; and he shall, at any time, order such meeting of the board, on the written request of two directors. All meetings of the stockholders or directors shall be held at the office of the company; and notice of the annual meeting shall be published by the cashier, in two newspapers in the city where it is to be held, for at least four weeks previous to its occurrence. Cashier may call special meeting.

SEC. 10. A full and fair record shall be kept of the proceedings of all meetings, and the ayes and noes shall be taken and recorded at any meeting of the board, on any vote, when required by any member. Meetings, when held.

SEC. 11. The books of the bank shall always be open to the examination of any stockholder, during the business hours of the bank. Record of proceedings to be kept.

SEC. 12. Whenever the directors of either bank shall deposit with the comptroller an amount of the State bonds of any interest paying State in the Union, or of the United States, equal in value to twenty-five thousand dollars, (\$25,000,) at the current rates of the New York Stock Exchange, and shall satisfy said officer that they have on hand twenty-five hundred dollars Directors to deposit State bonds with the comptroller.

Comptroller shall countersign notes.

($\$2,500$.) in specie, for the purpose of redeeming the circulating notes of the bank, then the comptroller shall countersign twenty-five thousand dollars ($\$25,000$.) of said circulating notes, and return them to the president for use; and it shall then be lawful for said bank to use said notes as currency, and commence and conduct the business of banking in all its departments and details; and whenever said bank shall thereafter deposit additional securities as above stated, and provide ten per cent. of their amount in specie, for purposes of redemption, then the comptroller shall countersign and return to said bank their circulating notes to an amount equal to the value of said additional securities; and in case said bank shall, at any time, issue its circulating notes without the signature of the comptroller as herein provided for, such act is hereby declared a penal offence, and shall be punishable by a fine equal to the amount of said issue, and imprisonment of the officers guilty of such offence, for such period as the law may direct.

Penalty for issuing notes without comptroller's signature.

Comptroller may demand increase of security.

SEC. 13. In case of the depreciation in value of the securities pledged as hereinbefore described, at the New York Stock Exchange, the comptroller shall demand such increase thereof, as, at the current rates, shall make them equal in value to the amount of notes in circulation, unless said bank shall prefer to surrender such amount of notes as have already been countersigned, as will make the whole amount of said notes in its possession, equal to the value of the securities pledged, at the current rates as aforesaid; and in case of said surrender of notes, it shall be the duty of the comptroller at once to cause them to be destroyed.

Comptroller to register notes.

SEC. 14. All notes thus countersigned by the comptroller, he shall cause to be registered in a book kept especially for that purpose; and all notes at any time surrendered to him by said bank, shall be registered in like manner.

Denomination of notes.

SEC. 15. The denominations of the circulating notes, which it shall be lawful for said banks to issue, shall be one, two, three, five, ten, twenty, fifty, one hundred, five hundred and one thousand dollars, ($\$1$, $\$2$, $\$3$, $\$5$, $\$10$, $\$20$, $\$50$, $\$100$, $\$500$, $\$1,000$.)

Of securities.

SEC. 16. All securities pledged for the redemption of the circulating notes, shall be assignable in trust to the comptroller for that purpose, and shall be made negotiable by him only on his own signature, and that of the Governor.

Of rates of interest and discount.

SEC. 17. Each bank shall have power, at all times, to regulate its own rate of interest and discount, on all loans or purchase; but

the rates of interest shall be uniform and apply equally to all persons, and shall be fixed, from time to time, by the board, and kept posted conspicuously in the banking office of the company: *Provided*, the same shall not be in violation of the usury laws.

SEC. 18. In all transactions of the bank, in receiving or paying money, or otherwise, the directors shall have power to use as specie, all sight drafts, or certificates of deposits, made by responsible specie paying banking houses in this Territory, or in St. Louis, Chicago, Cincinnati, Philadelphia, Boston or New York, the same being guaranteed by said bank.

May use drafts
as specie.

SEC. 19. No bank shall, at any time, suspend or refuse the payment in specie of any of its notes, bills or other obligations, or of any money held upon deposit, at maturity of the same, and the place where made payable; and in case of such refusal, the holders thereof shall, respectively, be entitled to receive interest on the same from the time of such refusal until paid at a rate double that of the bank at the time; and should any bank suspend payment, as aforesaid, for the period of thirty days, it shall then be the duty of the comptroller to investigate the condition of said bank, and, according to his judgment, proceed either to convert into specie, sufficient of the securities in his hands, for the payment of the obligations due, and then to destroy an equal amount of the circulating notes and allow the bank to resume business, or to wind up its affairs at once, by a sale of all its assets, within twelve months from the time of suspension, applying all funds to the payment *pro rata*, after the necessary expenses of said proceedings: 1. All circulating notes. 2. Of deposits. 3. Of other liabilities. 4. Of stockholders. All sales of property other than stock securities, shall be made by the comptroller, at the office of the company, at public auction, and after a notice in two newspapers in the city, of not less than thirty days, and a printed notice posted on the door of the office for the same period of time; and all sales of stock securities shall be made at public auction at the Stock Exchange in the city of New York, after a public notice of at least ten days, in three daily papers of that city, unless he shall be able to sell said securities at private sale, for the current prices of said Stock Exchange, in which case, he shall have power to do so.

Of suspension
of banks, &c.

SEC. 20. Whenever either bank shall desire to replace any portion of its mutilated currency, with new circulating notes, it shall be the duty of the comptroller to receive and destroy said mutilated notes, and to countersign and return new ones to an

May replace
mutilated cur-
rency.

equal amount; and in all cases where it shall be the duty of the comptroller to destroy notes which he has previously countersigned, he shall cause the same to be burned to ashes in his presence.

If bank refuse to pay its obligations.

SEC. 21. In case of refusal of either bank to pay its obligations as hereinbefore described, the holder of said obligation shall cause the same duly to be protested by a notary public, and notice given to the bank; but in case of protest of its circulating notes, the fees for said protest shall be no greater for the whole number of notes presented for payment at one time, than for one note.

Notes to be signed.

SEC. 22. All circulating notes shall be signed by the president and cashier, and shall be redeemable at the office of the bank, or at any of its agencies in the Territory,

Shall not discount paper endorsed by a director.

SEC. 23. No bank shall discount any note or bill endorsed by any of its directors, and the consideration of no note, bill or draft, discounted by the bank, shall be questioned by any maker or endorser, in any suit brought to coerce its payment.

Subject to taxation.

SEC. 24. That said bank shall be subject to taxation as property held by individuals, and no extraordinary tax [shall be] assessed.

Liability of stockholders.

SEC. 25. The stockholders in each of said banks shall be liable for its debts only to the extent of their stock in the same.

No change in the government of this Territory to impair its rights, &c.

SEC. 26. No change in the government of this Territory to that of a State, shall, in any way, impair the rights or privileges of the banks hereby established, as granted by this Act; and wherever the word comptroller is used, it shall be held to mean that officer in the Territory or State, whose legitimate duty it shall be, under the laws thereof, to act as depository of the bank securities for said Territory or State; and if at any time no such officer shall be known to the law, then shall it be held to mean the treasurer of said Territory or State, and wherever the word Territory is used, it shall be held to mean State whenever a State government shall have been established.

May establish agencies.

SEC. 27. Any bank shall have the right to establish agencies wherever it shall be deemed best, for the purpose of assisting in the conduct of its business; and shall have power to transact any business through such an agency, that it can lawfully do at its own office; but in case of the establishment of any such agency, the circulating notes of said bank shall be redeemable there as hereinbefore provided.

Shall commence operations within one year.

SEC. 28. If either of said banks shall fail to commence operations under this Act, within one year from its passage, it shall forfeit all rights and privileges herein granted.

SEC. 29. Nothing in this Act shall be so construed as to allow this corporation to hold, at any one time, more than five thousand acres of land. Not to hold over 5,000 acres of land.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

This Bill having been returned by the Governor with his objections thereto, and after reconsideration, having passed both Houses by the constitutional majority, it has become a law this the 11th day of February, A. D. 1858.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

CHAPTER LXIII.

ELWOOD AND WATHENA ROAD COMPANY.

AN ACT to Incorporate the Elwood and Wathena Plank and Macadamized Road Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That D. S. Lusk, A. L. Lee, J. B. Chaffee, Geo. H. Jameson, Benj. Harding, Edward Russell, F. B. Elsworth, J. Sealover, William Ridenbaugh, James W. Galloway, John Gralch, W. L. Lewis, A. A. Jameson, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, under the name and style of the Elwood and Wathena Plank and Macadamized Road Company, and by that name and style shall be capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court or place whatever; to make, have and use a common seal, the same to renew and alter at pleasure; and by that name and style, to be capable in law of contracting and being contracted with, and of purchasing, holding and conveying real and personal estate, for the purposes of building and keeping in repair the said road, and shall be, and hereby are invested with all the powers, privileges and immunities which are, or may be necessary to carry into effect the purposes and objects of this Act.

Names of corporations.

Powers of company.

Authorized to locate and construct a road.

SEC. 2. That the said company are hereby authorized and empowered to locate, construct, and finally complete a plank or macadamized road, with a single or double track, commencing on or near the bank of the Missouri river, in the city of Elwood, and running thence to Wathena; and for this purpose said company are hereby authorized to lay out said road not exceeding eighty feet in width, throughout its whole length; and for the purpose of embankments and procuring timber, stone or gravel, may appropriate any road or highway, already dedicated to public use, on the line of said plank or macadamized road, may take so much land as may be necessary for the purpose of construction and security of said road: *Provided*, however, that all damages that may be occasioned to any person or corporation, by the taking of such lands or materials for the purposes aforesaid, shall be paid for by said company, in the manner hereinafter provided.

May take land, &c.

Capital stock.

SEC. 3. That the capital stock of said company shall consist of two hundred shares of one hundred dollars each, with the privilege to increase the same to an amount sufficient to carry into effect the objects and intentions of this Act.

Government, &c., of company, vested in a board of directors.

SEC. 4. That the immediate government and direction of said company in its affairs, shall be vested in a board of not less than five, nor more than seven directors, who shall be chosen by the stockholders of the corporation in the manner hereinafter provided, and shall hold their offices until others shall have been elected and qualified to take their places as directors, a majority of whom shall form a quorum for the transaction of business, and shall elect one of their number to be president of the board, who shall also be president of the company. And the said company shall elect from their number a clerk and a treasurer, who shall be sworn to the faithful discharge of their duties. The treasurer shall give bond to the corporation, with securities to the satisfaction of the directors, for the faithful discharge of his trust.

Officers to be elected.

Treasurer to give bond.

President and directors authorized to locate and construct a road.

SEC. 5. That the president and directors, for the time being, are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the company for the purpose of locating, constructing and completing said road, and all such power and authority for the management of the affairs of said company, not heretofore granted, as may be necessary and proper to carry into effect the objects of this company, to purchase and hold lands, materials and other necessary things,

in the name of the company, and for the use of the road ; and to make such equal assessments, from time to time, on all said shares in said corporation, as may be deemed expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the company ; and the treasurer shall give notice of all such assessments, and in case any subscriber shall neglect to pay his assessment for the space of thirty days, after due notice by the treasurer of said company, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof, to the highest bidder ; and the same shall be transferred to the purchaser, and such delinquent subscriber shall be accountable to the company for the balance, if his share or shares sell for less than the assessment due thereon, with the interests and costs of sale, and shall be entitled to the overplus of his share or shares, shall sell for more than the assessment due, together with the interest and costs of sale: *Provided*, however, that no assessment shall be made upon any share of said company of over twenty-five dollars.

May purchase and hold lands, &c.
May make assessment on all shares.

Proviso.

SEC. 6. That the directors, for the time being, are hereby authorized to erect toll houses and other necessary buildings, to establish toll gates, appoint toll gatherers, and demand and recover toll upon the road when completed, and upon such parts thereof as shall, from time to time, be completed, and shall have power to fill any vacancy in the board of directors, which may be occasioned either by death, resignation, or otherwise.

Authorized to erect toll houses, &c.

SEC. 7. That the said company shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their lands for said road ; when it cannot be done voluntarily, to be estimated and recovered in the manner prescribed by law for the recovery of damages happening by the laying out of Territorial roads.

Shall pay all damages for taking lands.

SEC. 8. That when lands or other property, of any infant, shall be necessary for the construction of said road, the guardian of such infant may release all damages for any lands or estates taken and appropriated as aforesaid, as they might do if the same were holden by them in their own rights respectively.

Of lands of infants.

SEC. 9. That if any person shall wilfully do, or cause to be done, any act or acts whatever, whereby any buildings, constructions or works of said corporation, or any machine, bridge or structure, or any matter or thing appertaining to the same, shall be stoppcd, obstructed, impaired, weakened, injured, or des-

Penalty for wilfully injuring any buildings, &c., of road.

troyed, the person or persons so offending, shall be deemed guilty of a misdemeanor, and shall forfeit and pay to said company or corporation, treble the amount of damages sustained by such offence or injury, to be recovered in the name of the corporation, with costs of suit, by action in any court of competent jurisdiction, and shall be subject to indictment and punishment for crimes and misdemeanors as in other cases.

Annual meeting.

SEC. 10. That the annual meeting of the stockholders of said company shall be holden on the first Monday in May, in each year, at the city of Elwood, unless otherwise directed by a majority of the stockholders, at which meeting the directors shall be chosen by bollot, each stockholder being entitled to as many votes as he holds shares, which may be given either in person or by proxy; and any five individuals named in the first section of this Act, are hereby authorized to call the first meeting of said company, for the purpose of organizing the same, by giving due notice, stating the time and place and purpose of such meeting, at least twenty days before the time mentioned in such notice.

Directors to be chosen.

Authorized to make by-laws, &c.

SEC. 11. That the said company shall have power to make, ordain and establish all such by-laws, rules and regulations, as they may deem expedient and necessary to accomplish the designs and purposes, and to carry into effect the provisions of this Act: *Provided*, however, the same be not repugnant to the laws of the United States.

May subscribe to stock and pay in work.

SEC. 12. That any person subscribing stock in the foregoing plank or macadamised road, may discharge the same in work on said road, under such rules and regulations as the president and directors may prescribe.

Penalty for laying out any turnpike within two miles of this road.

SEC. 13. That any persons who shall lay out, construct, or use any road as a turnpike, on or within two miles of the line of this road, and shall, by such means, seek to avoid the payment of tolls thereon, shall, on conviction of such offence, be adjudged guilty of a misdemeanor, and may be tried before any justice of the peace in the county wherein said road is located; such misdemeanor to be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding thirty days. Such offender shall likewise pay to said company, damages to the amount of ten dollars (\$10,00,) for each offence, the same to be recovered as in an ordinary civil action.

Shall commence operations when.

SEC. 14. That said company shall be required to commence operations upon said road within two years from the passage of this Act.

SEC. 15. That all Acts conflicting with the provisions of this Act, shall be, and are hereby repealed.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER LXIV.

DELAWARE AND LAWRENCE RAILROAD COMPANY.

AN ACT to Incorporate the Delaware and Lawrence Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. A company is hereby incorporated, called the Delaware and Lawrence Railroad Company. The capital stock of which shall be one and a half million of dollars, to be divided into shares of one hundred dollars each, the holders of which, their successors and assigns, shall constitute a body corporate and politic, and by the name aforesaid, shall have continual succession, may sue and be sued, plead and be impleaded, defend and be defended against, and may make and use a common seal, and shall be able in law and in equity, to make contracts ; may take, hold, use, possess and enjoy the fee simple or other title, in and to any real estate, and may sell and dispose of the same, may make by-laws, rules and regulations, proper for carrying into effect the provisions of this Act, not repugnant to the constitution or laws of the United States or of this Territory, and shall have the usual and necessary powers of companies for such purposes.

Name of company.
Capital stock.

Powers:

SEC. 2. S. B. Prentiss, E. B. Whitman, James Blood, J. S. Emery, John Hutchinson, S. C. Harrington, J. W. Pennoyer, George Quimby Twombly, J. A. Finley, C. K. Holliday, O. E. Learnard and Wm. Hutchinson, shall constitute the first board of directors, under this Act, and shall hold their offices until their successors shall be qualified. They shall meet at such time as shall

Names of directors.

President to be elected.

Shall choose a clerk, duties of clerk.

be designated by a majority of them, and organize by electing one of their own number as president of the board, who shall be also president of the corporation, and they may also choose a clerk, who shall reside and keep his office at Lawrence or Delaware, and who shall be sworn to the faithful discharge of his duties; and a treasurer with such other subordinate officers as the company by its by-laws may designate, who shall give suitable bonds to the corporation for the faithful discharge of their official duties, and when thus organized, they shall cause books to be opened for subscription to the capital stock of said company, at such times and places as a majority of them may designate, under the supervision of such person or persons as they may appoint, and may continue them open so long as they may deem proper, and they may re-open such books when necessary, until the whole stock shall be subscribed.

Of subscription for stock.

SEC. 3. Every person at the time of subscribing for the above stock, shall pay to the director or person authorized to receive the same, five dollars on each share for which he may subscribe, and shall, if the board of directors so require, give security to their subscription for the payment of twenty dollars more, on each share, in such installments as the corporation may order, of which each subscriber is a member, all subscriptions for the stock of this company shall be payable absolutely, and no secret agreement or understanding, or condition not inserted in the terms of subscription shall affect the right of the company to enforce payment thereof.

Directors to be elected.

SEC. 4. So soon as five hundred shares shall be subscribed, the directors shall cause an election to be held for not less than five nor more than thirteen directors, at such time and place as they may appoint, and give notice by publication in three newspapers published in this Territory.

Election of directors.

SEC. 5. An election for directors shall be held on the second Tuesday of January in each year, and if not held on that day, an election may be held at any other time that the directors may designate. The election shall be held under the supervision of one or more stockholders, and the persons receiving the highest number of votes, shall be elected, and shall continue in office till their successors be qualified. Every stockholder shall be entitled to one vote for each share held by him, and he may vote by proxy. Soon after their election, the directors shall meet and elect one of their number president, who shall hold his office for the term for which he was elected director, and until his successor shall be qualified.

SEC. 6. A majority of the directors shall constitute a quorum. They may determine and fix the salaries of the president and other officers and agents ; but no director shall receive any compensation for his services as such, and they may adopt such measures and do such acts as may be best calculated to promote the prosperity and usefulness of said company.

Majority shall be a quorum.

SEC. 7. The directors shall make and advertise calls for the payment of the capital stock, at such times and in such manner as they may deem proper ; and if any stockholder shall fail to pay such requisition, within twenty days after the appointed time the said company may recover the same with interest, and if not collected, may declare the stock forfeited, and sell the same ; and no delinquent stockholder shall vote in said company.

Shall advertise calls for payment of stock.

SEC. 8. The company shall have full power to survey, mark, locate, construct and operate, a complete railroad, with one or more tracks, from the town of Delaware, on the Missouri river, to the city of Lawrence on the Kansas river ; and for that purpose may hold a strip of land not exceeding one hundred feet wide, and may also hold sufficient land for the construction of depots, ware houses and water stations, and with the right to all other companies to connect with this company at such points as may be deemed advisable by such railroad company.

Company shall have power to survey railroad &c.

SEC. 9. The said company are hereby authorized, and shall have the right of way upon, and may appropriate to its sole use and control, the land named in the preceding section, and for the purpose of side tracks, cuttings and embankments, may take more land, earth or material, as may be necessary for the construction, operation and maintaining said road.

The right of way &c.

SEC. 10. All such lands, mutual privileges belonging to this Territory, or State hereafter, are hereby granted to such company, for the purposes named in the previous sections of this Act, and they may construct said road on or across other railroads, common roads, rivers or streams which may intersect ; but said company shall restore said railroad or common road, rivers or streams, thus intersected, in sufficient manner not to materially impair their usefulness.

Road may cross railroads, rivers &c.

SEC. 11. It may be lawful for said railroad company, their agent or engineer, for the purpose of exploring, surveying or locating said road, to enter upon any land doing no unnecessary damage, without the consent of the owner, and may acquire, by release, donation or otherwise, any lands, and may hold the same or convey to others, or use the same in any manner deemed for the interest of said company.

May enter upon any lands to survey &c.

If company cannot obtain right of way.

SEC. 12. If said company cannot obtain the right of way by purchase or otherwise, or if the owners refuse to agree upon the terms, or where the owner is unknown, non-resident, idiot, or otherwise, either party may make application to the judge of the district, where the lands are situated, upon notice posted ten days, in some public place, asking the appointment of commissioners to appraise the damages to the lands required for the purpose of the road.

Commissioners to be appointed

SEC. 13. Upon such application being made to such judge, he shall appoint three disinterested persons to act as commissioners for the appraisal of all such damages, taking into consideration the advantages as well as any injury to the parties interested in such lands. Said commissioners shall, by public notice, appoint a time and place, and may adjourn if necessary for hearing the parties, and proceed to examine the lands, ascertain and determine the damages, if any, and under oath, impartially and justly, to appraise the lands necessary for the use of said company, and faithfully perform the duty to the best of their judgment and ability. They, or a majority of them, shall make up and sign the awards to the parties, embracing a description of the lands, and make a return of their doings to the judge of the District Court. The commissioners making such appraisal, shall be entitled to pay for their services of three dollars per day and ordinary traveling expenses, which shall be paid by said company.

Duties.

Compensation of commissioners

Either party may appeal.

SEC. 14. If either party feel aggrieved by such appraisal or award, he may appeal within twenty days after such award is made known by giving notice to that effect to the opposite party, otherwise both parties shall be bound by the award, and the amount shall be paid upon application of the person entitled to receive the same. In case of appeal, a bond shall be filed for the costs in court, to be paid by the party who shall be entitled to pay the same, as determined by the court aforesaid.

Bond to be filed

In case of appeal.

SEC. 15. In case of appeal or disagreement in regard to the damages, the railroad company may occupy for the purpose of construction of the road, by giving satisfactory security to the judge of said court for the ultimate payment of the damages so determined.

Penalty for injuring or obstructing road.

SEC. 16. If any person shall carelessly, wilfully or maliciously hinder, delay or obstruct, the workmen or the passage of trains, or shall place any obstruction on the track, or in any manner injure or destroy any tools, cars or other property of said road, or pertaining to it, or aid or abet any persons in the commission

of such trespass, all such persons shall forfeit and pay said company, agents, or servants, triple damages, as shall be proven by any court, and shall be liable to indictment and imprisonment for a term not exceeding five years, in the discretion of the court who shall try the case.

SEC. 17. Said corporation shall within a reasonable time, after said road is definitely located, cause a map and profile to be made of the route of said road, and file the same in the office of the secretary of the Territory or State.

Map to be filed.

SEC. 18. The shares in the capital stock of this said corporation shall be deemed personal estate, and may be transferred by any conveyance in writing, in the manner provided by the by-laws of said company, and shall be liable to attachment and sale under legal process, as provided by law.

Stock deemed personal estate.

SEC. 19. When the citizens of any county or city of this Territory, are desirous of subscribing to the stock of said company, the citizens of such county or city, are authorized to purchase, subscribe or hold shares, not exceeding one hundred thousand dollars, in amount as shall be determined by the county court or common council, making such subscription, in all respects upon the same conditions as stock owned by individuals. And such railroad company may dispose of bonds issued for such stock by such city or county, upon such terms as may be necessary.

Citizens of any county may subscribe to road.

SEC. 20. Subscriptions to the stock of said company, may be made in land, in the same manner as in cash; and said company are hereby authorized to hold, purchase and convey the same as they may deem for their interest.

Subscriptions may be made in land.

SEC. 21. The company is hereby authorized to issue bonds or notes, for the purpose of building or furnishing their road, bearing interest not exceeding ten per cent., which shall be binding upon the parties interested; and no bonds so issued shall be for a sum less than one hundred dollars, and shall be made payable in not less than three years, nor more than twenty years, from the time of issuing the same.

Company may issue bonds.

SEC. 22. Said company shall commence the construction of said road within six years after the passage of this Act, and shall complete the same within ten years thereafter.

Shall commence road, when.

SEC. 23. This company shall have power to make such contracts and agreements with other railroads, within or without the State, which connect with or intersect the same, as may be mutually agreed upon by the parties, and shall be empowered to consolidate their property [and] stock with each other, said

May contract with other railroads.

articles of consolidation, to be filed in the office of the secretary of the Territory.

Directors to
make report.

SEC. 24. At every annual meeting, or in the month of January in each year, after the work shall have commenced on said road, the directors shall make a report of the affairs and condition of the company to the Legislative Assembly.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXV.

ELWOOD, PALERMO AND FORT RILEY RAILROAD COMPANY.

AN ACT to Incorporate the Elwood, Palermo and Fort Riley Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of cor-
porators.

SECTION 1. That B. H. York, Reuben Middleton, John Steairwalt, G. K. Sabin, F. W. Emory, Albert Phillips, S. V. Jameson, Harris Stratton, J. H. Lane, Morris Hunt, John C. Douglas, Thos. G. Thornton, C. K. Holliday, A. J. Mead, W. P. Badger, H. Miles Moore, James Craig, L. D. Bird, A. A. Jameson, Wm. Spencer, Gaius Jenkins, John B. Irvin, Royal Baldwin, Addison Goodell, Robert Sherwood, Charles Jenkins, M. J. Parrott, Alpheus Channel, George W. McLaughlin, Cyrus F. Currier, D. D. Cook, Benj. Harding, E. Russell, A. L. Lee, John L. Penory, Thomas Ewing, Jr., S. F. Johnston, J. P. Root, D. S. Lusk, W. L. Lewis, with such other persons as may associate with them for that purpose, are hereby constituted a body politic and corporate, by the name of the Elwood, Palermo and Fort Riley Railroad Company, and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against, in law and equity, in all courts and places ; may make and use a common seal, and alter and renew the same at pleasure ; be capable of con-

Powers of com-
pany.

tracting and being contracted with, and are hereby invested with all the powers, privileges, immunities and franchises, and of acquiring by purchase or otherwise, and of holding and conveying, real and personal estate, which may be needful to carry into effect fully the purposes and objects of this Act.

SEC. 2. That the said company is hereby authorized and empowered to survey and locate, construct, complete, alter, maintain and operate a railroad with one or more tracks from the city of Elwood, or Palermo, as they may hereafter determine, making Palermo a point, to Fort Riley, with a branch from Rochester to a point on the Nebraska line, in the direction of Fort Kearney.

Authorized to survey, locate &c.

SEC. 3. That the said company are hereby authorized, and shall have the right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land not exceeding one hundred feet in width through its entire length, upon such route as may be determined, and for the purposes of depots, side tracks, cuttings, and embankments, for building engine houses and shops, or wood or water stations, may take more land, earth, land or material as may be necessary for the construction or completion, operation, preserving and maintaining said road.

Shall have right of way.

SEC. 4. That all such lands, materials and privileges, belonging to this Territory, or State hereafter, as are mentioned in the preceding section, are hereby granted to such company, for the purpose named in the previous section, and may construct said road on or across other railroads, common roads, rivers or streams which it may intersect; but said company shall restore said railroad, common road, river or stream thus intersected, in sufficient manner not to materially impair its usefulness.

Road may cross other railroads &c.

SEC. 5. That the capital stock of said corporation shall be three millions of dollars, which may be increased from time to time, to any sum not exceeding the amount expended on account of said road, divided into shares of one hundred dollars each, which shall [be] deemed personal property, and issued and transferred, as may be ordered by the directors, or laws of said company.

Capital stock.

SEC. 6. That all the corporate powers of said company, shall be vested in, and exercised by a board of directors, and such officers and agents as they may appoint. The board of directors shall consist of thirteen persons, stockholders, at least six of whom shall be residents of Kansas, who shall be chosen annually

All corporate powers vested in board of directors.

by the stockholders, each share having one vote, by person or proxy, and continue in office until their successors are elected and qualified. Vacancies in the board may be filled by a vote of two-thirds of the remaining directors.

Vacancies how filled.

Power to survey &c., a road.

SEC. 7. That the president and directors for the time being, are hereby empowered, or their officers or agents, to exercise all the powers herein granted, for the purpose of surveying, locating, constructing and operating said road and branches, and for transportation of persons, goods and merchandise, and authority for the control and management of the affairs, as may be necessary to carry into effect the intent of this Act.

May make by-laws &c.

SEC. 8. That the said company shall have power to make, ordain and establish such by-laws and regulations deemed expedient for the object and interests of said company: *Provided*, they be not inconsistent with the laws of the United States or of this Territory. They shall have power to establish such rates for transportations, and collect the same, and matters and things respecting the use of said road, and the transportation of persons and property, as may be necessary.

May enter any land to survey &c.

SEC. 9. That it may be lawful for said railroad company, their agent or engineer, for the purpose of exploring, surveying or locating said road, to enter upon any land, doing no unnecessary damage, without the consent of the owner; and may acquire, by release, donation or otherwise, any lands, and may hold the same or convey to others, or use the same in any manner deemed for the interest of said company.

If cannot obtain right of way.

SEC. 10. That if said company cannot obtain the right of way by purchase or otherwise, if the owner refuse to agree upon terms, or when the owner is unknown, non-resident, idiot, or under age, either party may make application to the judge of Probate Court where the land is situated, upon notice posted ten days, in some public place, asking the appointment of commissioners, to appraise the damages to the lands required for the purpose of the said road.

Commissioners to be appointed

SEC. 11. That upon such application being made to such judge, he shall appoint three disinterested persons to act as commissioners for the appraisal of all such damages, taking into consideration the advantages, as well as any injury to the parties interested in such lands. Said commissioners shall, by public notice, appoint a time and place, and may adjourn if necessary, for hearing the parties, and proceed to examine the lands, ascertain and determine the damages, if any, and under oath impar-

Their duties.

tially and justly to appraise the lands necessary for the use of said company, and faithfully perform the duty to the best of their judgment and ability. They or a majority of them, shall make up and sign the awards to the parties, embracing a description of the lands, and amount of damages to each, and make a return of their doings to the judge of the Probate Court. The commissioners making such appraisal, shall be entitled to pay for their services, three dollars per day, and ordinary traveling expenses, which shall be paid by said company.

Compensation.

SEC. 12. That if either party feel aggrieved by such appraisal or award, he may appeal within twenty days after such award is known, by giving notice to that effect to the opposite party, otherwise both parties shall be bound by the award, and the amount shall be paid upon application of the persons entitled to recover [receive] the same. In case of appeal, a bond shall be filed for the costs in court, to be paid by the party who shall be entitled to pay the same as determined by the court aforesaid.

Either party may appeal if aggrieved.

SEC. 13. That in case of appeal or disagreement in regard to the damages, the railroad company may occupy, for the purpose of constructing the said road, by giving satisfactory security to the judge of said court for the ultimate payment of the damages so determined.

In case of appeal.

SEC. 14. That said corporation shall, within reasonable time after said road or branches are definitely located, cause a map and profile to be made of the route of said road, and file the same in the office of the secretary of the Territory.

Map of road to be filed.

SEC. 15. That when fifty thousand dollars shall have been subscribed to the capital stock, and the ten per centum actually paid to the grantees herein named, and a certificate from a majority of them duly authenticated and filed in the office of the secretary of the Territory or State, as the case may be, they are authorized to permanently organize the company, and open books for further subscriptions, requiring payments or installments from time to time; and in case of neglect or refusal on the part of stockholders, to make payment as required, the share of such delinquent may, after thirty days public notice, be sold at public auction, and the surplus, if any, deducting payments of interest, shall be paid to such stockholder.

Of subscriptions to the capital stock.

SEC. 16. That when the citizens of any county or city of this Territory, are desirous of subscribing to the stock of said company, the citizens of such city or county are authorized to purchase, subscribe or hold, shares not exceeding one hundred thou-

Citizens of any county or city may subscribe for stock.

sand dollars in amount, as shall be determined by the county court or common council making such subscription, in all respects as stock owned by individuals, and such railroad company may dispose of bonds issued for such stock by said county or council, upon such terms as may be necessary.

Subscriptions may be made in land.

SEC. 17. That subscriptions to the stock of said company may be made in land in the same manner as in cash, and said company are hereby authorized to hold, purchase and convey the same as they may deem for their interest.

Company may issue bonds.

SEC. 18. That the company are hereby authorized to issue bonds upon their roads, or hold and sell the same in such amounts, upon such terms, above or below par: *Provided*, however, that said bonds shall not be issued for a less sum than five hundred dollars, and at such rates of interest as may be determined, which shall be binding upon the parties interested.

Shall commence road, when:

SEC. 19. That the said company shall commence the construction of said road within five years after the passage of this Act, and shall complete the same within twenty years thereafter.

May contract with other railroads.

SEC. 20. That this company shall have the power to make such contracts and arrangements with other railroads, which connect with or intersect the same, as may be mutually agreed upon by the parties for buildings, or running their roads or any part thereof, in connection with roads in other States, and shall be empowered to consolidate their property and stock with each other; such consolidation to take place whenever such companies shall respectively agree upon the terms and conditions, and shall have all powers, privileges and liabilities that they may hold by their respective charters, by filing a copy of such articles of such consolidation in the office of the secretary of this Territory.

Stockholders not liable.

SEC. 21. That no stockholder shall be individually liable for the debts of the company, farther than the stock he holds in said company; [and] for the purpose of effecting a temporary organization, a meeting of the said company may, at any time, be held at the city of Palermo, after thirty days public notice has been given, signed by a majority of the aforementioned corporators, and not otherwise.

Penalty for injuring road &c.

SEC. 22. That if any person shall willfully or maliciously hinder, delay or obstruct the workmen, or the passage of trains, or shall place any obstructions upon the track, or injure or destroy any tools, cars or other property of said railroad, or pertaining to it, or aid or abet any person in the commission of such tres-

pass, all such persons shall forfeit and pay said company, agents or servants, triple the damages, proven before any court of competent jurisdiction, and shall be liable to indictment and punishment, as may be provided by law.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 11, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER LXVI.

KANSAS CENTRAL RAILROAD COMPANY.

AN ACT to Incorporate the Kansas Central Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Silas Armstrong, John M. Wright, Andrew J. Mead, William Robinson, W. Y. Roberts, John McAlpin, Henry J. Adams, William M. McClure, J. K. Moorehead, Gaius Jenkins, William Brindle, T. G. Thornton, Joel W. Garrett, George Russell, George W. Cass, O. B. Gunn, J. Edgar Thompson, Thomas H. Lupe, J. P. Root, Charles Robinson, Samuel Harsh, with such other persons as may associate with them for that purpose, are hereby incorporated a body corporate, by the name of the Kansas Central Railroad Company, and under that name and style shall be capable of suing and being sued, pleading and being impleaded, defending and being defended against, in law and equity, in all courts and places; may make and use a common seal, and alter and renew the same; be capable of contracting and being contracted with, and are hereby invested with all powers privileges, immunities and franchises, and of acquiring, by purchase or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect fully the purposes and objects of this Act.

Names of incor-
porators.

Powers of com-
pany.

Company authorized to survey, &c.

SEC. 2. That the said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks, from a point on the Missouri River, at or near the mouth of the Kansas River, to a point at or near Fort Riley, with the right and privilege of extending the same to any point on the boundary of the Territory of Kansas, west of the sixth principal meridian; and to survey, locate, construct, maintain and operate a branch, with one or more tracks, from a point east of the city of Lawrence to a point on the Missouri river, at or near the city of Leavenworth, or branches to any point in any county through which the same may pass, said branch or branches to enjoy all the rights and privileges herein promised to the main line.

Of right of way.

SEC. 3. That the said company are hereby authorized, and shall have the right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land, not exceeding one hundred feet in width, through the entire length of said road, upon such route as may be determined; and for the purposes of depots, side tracks, cuttings and embankments, for building engine houses and shops, or wood and water stations, may take more land, earth or material, as may be necessary for the construction or completion, operation, preserving and maintaining said road.

Road may cross other roads, &c.

SEC. 4. That all such lands, materials and privileges, belonging to this Territory, or State hereafter, are hereby granted to such railroad, for the purposes named in the previous section. The said company may build said road along or across any Territorial or county road, or the streets of any town or city, and over any stream or highway; but whenever said road shall cross any Territorial or county road, said company shall keep good and sufficient causeways, or other adequate facilities for crossing the same; and said railroad shall not be so constructed as to prevent the public from using any road, street or highway, along or across which it may pass; and when said railroad shall be built across any navigable stream, said company shall erect a bridge, sufficiently high on which to cross, or shall construct a draw bridge, so that in no case shall the free navigation of such stream be obstructed.

Capital stock

SEC. 5. That the capital stock of said corporation shall be three million dollars, which may be increased from time to time to any sum not exceeding the amount expended on account of said road, divided into shares of one hundred dollars each, which

shall be deemed personal property, issued and transferred as may be ordered by the directors or the by-laws of said company.

SEC. 6. That all the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they may appoint. The board of directors shall consist of thirteen persons, stockholders, five of whom, at least, shall be residents of Kansas, who shall be chosen annually by the stockholders, each share having one vote by person or proxy, and continue in office until their successors are elected and qualified. A vacancy in the board may be filled by a vote of two-thirds of the remaining directors or their officers and agents.

Corporate powers vested in a board of directors.

Vacancy, how filled.

SEC. 7. That the president and directors for the time being are hereby empowered to execute all the powers herein granted, for the purpose of surveying, locating, constructing and operating said railroad and branches, and for transportation of persons, goods and merchandize, and authority of contract and management of the affairs as may be necessary to carry into effect the intent of this Act.

Powers of president and directors for surveying, &c.

SEC. 8. That the said company shall have power to make, ordain and establish such by-laws, rules and regulations as may be necessary for the government of said company, and the management of its affairs; and to establish rates of transportation, and collect the same.

May make by-laws, &c.

SEC. 9. That it may be lawful for said railroad company, their agent or engineer, for the purpose of exploring, surveying or locating said road, to enter upon any land, doing no unnecessary damage, without the consent of the owner; and may acquire, by release, donation, or otherwise, any lands; and may hold the same, or convey to others, or use the same in any manner deemed for the interest of said company.

May enter upon any land for exploration, &c.

SEC. 10. That if said company cannot obtain the right of way by purchase, or otherwise, or if the owners refuse to agree upon terms, or where the owner is unknown, non-resident, idiot, or under age, either party may make application to the judge of the district where the lands are situated, upon notice, posted ten days in some public place, asking the appointment of commissioners to appraise the damage to the lands required for the purpose of the road.

If they cannot obtain right of way, &c.

SEC. 11. That upon such application being made to such judge, he shall appoint three disinterested persons to act as commissioners for the appraisal of all such damages, taking

Commissioners appointed for appraisal of damages, &c.

- into consideration the advantages as well as any injury to the parties interested in such lands. Said commissioners shall, by public notice, appoint a time and place, and may adjourn, if necessary for hearing the parties, and proceed to examine the lands, ascertain and determine the damages, if any, and under oath impartially and justly to appraise the lands necessary for the use of said company, and faithfully perform the duty to the best of their judgment and ability. They, or a majority of them, shall make up and sign the awards to the parties, embracing a description of the lands and amount of damages to each, and make a report of their proceedings to the judge of the District Court.
- Duties.**
- Salary of commissioners.** The commissioners making such appraisal, shall be entitled to pay for their services, at the rate of three dollars per day and ordinary travelling expenses, which shall be paid by said company.
- How paid.**
- Parties aggrieved by appraisal may appeal.** SEC. 12. That if either party feel aggrieved by such appraisal or award, he may appeal within twenty days after such award is made known, by giving notice to that effect to the opposite party; otherwise both parties shall be bound by the award, and the amount shall be paid, upon application of the persons entitled to receive the same. In case of appeal, a bond shall be filed for the costs in court, to be paid by the party who shall be entitled to pay the same, as determined by the court aforesaid.
- Shall file bond.**
- In case of appeal, &c.** SEC. 13. That in case of appeal, or disagreement in regard to the damages, the railroad company may occupy, for the purpose of the construction of the road, by giving satisfactory security to the judge of said court for the ultimate payment of the damages so determined.
- Penalty for persons wilfully injuring road &c.** SEC. 14. That if any person shall carelessly, wilfully or maliciously hinder, delay or obstruct the workman, or the passage of trains, or shall place any obstruction on the track, or in any manner injure or destroy any tools, cars or other property of said railroad, or pertaining to it, or aid or abet any person in the commission of such trespass, all such persons shall forfeit and pay said company, agents or servants, treble the damages, as shall be proven in any court, and shall be liable to indictment, and upon conviction shall suffer imprisonment for a term not exceeding five years, in the discretion of the court who shall try the same.
- Map of road, where filed.** SEC. 15. That said corporation shall, within reasonable time after said road or branches are definitely located, cause a map

and profile to be made of the route of said road, and file the same in the office of the secretary of the Territory.

SEC. 16. That when fifty thousand dollars shall have been subscribed to the capital stock, and ten per centum actually paid to the grantees herein named, and a certificate from a majority of them duly authenticated, filed in the office of the secretary of this Territory, they are authorized to organize the company, and open books for further subscriptions, requiring payments or installments from time to time; and in case of refusal or neglect on the part of stockholders to make payment as required, the shares of such delinquents may, after thirty days public [notice,] be sold at auction, and the surplus, if any, deducting payments and interest, shall be paid to such stockholders.

Subscriptions to capital stock, &c.

Payment of subscriptions.

SEC. 17. That when the citizens of any county, incorporated town or city, of this Territory, are desirous of subscribing to the stock of said company, the citizens of such incorporated town, city or county, are authorized to purchase, subscribe or hold shares, not exceeding three hundred thousand dollars in amount, as shall be determined by the county court, or common council, making such subscription in all respects as stock owned by individuals; and such railroad company may dispose of bonds issued for such stock by said county, or council, upon such terms as may be necessary.

Citizens of any county may subscribe.

SEC. 18. That subscriptions to the stock of said company may be made in land, in the same manner as in cash, and said company are authorized to hold, purchase and convey the same as they may deem for their interest.

Subscriptions may be made in lands.

SEC. 19. That the company are hereby authorized to issue bonds upon their road, or hold and sell the same, in such amounts, upon such terms, above or below par, and at such rates of interest as may be determined, which shall be binding upon the parties interested: *Provided, however,* that said bonds shall not be issued for a less sum than five hundred dollars; and *Provided, further,* that whenever said company are indebted for work, labor, material or otherwise, they may issue their notes or bonds, in such sums, and on such time as may be desired by the creditor, and as shall be provided for by the by-laws of said company.

May issue bonds.

Proviso.

SEC. 20. That this company shall have the power to make such contracts and arrangements with the corporate authorities of other railroads which connect with or intersect the same, as may be mutually agreed upon by the parties for running upon

Powers to contract with other railroads.

their roads or any part thereof, in connection with roads in any other State or Territory, and shall be empowered to consolidate their property and stock with such other; such consolidation to take place whenever such companies shall respectively agree upon the terms and conditions; and shall have all the powers, privileges and liabilities that they may hold by their separate charters, by filing a copy of such articles of consolidation in the office of the secretary of this Territory.

SEC. 21. That the railroad company may commence the construction of the whole or any section of the road herein granted, not less than twenty miles in extent.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives
C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXVII.

LEAVENWORTH, LAWRENCE AND FORT GIBSON RAILROAD COMPANY.

AN ACT to Incorporate the Leavenworth, Lawrence and Fort Gibson Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of cor-
porators.

SECTION 1. That John B. Chapman, Hudson Burris, H. C. Justice, F. P. Witcher, Joel C. Green, Adam Fisher, Milton M. Hann, Henry J. Adams, G. A. Reynolds, E. D. Ladd, John Speer, L. F. Hollingsworth, S. B. Prentiss, G. W. Deitzler, H. G. Blake, Robt. B. Mitchell, John Mathas, Darius Rogers, J. M. Black, R. B. Jourdan, W. Doran, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the Leavenworth, Lawrence and Fort Gibson Railroad Company, and under that name and style shall be capable of suing and being defended in any courts of competent jurisdiction, in law or equity. They may make and use a common seal, alter and renew the same at pleasure; and by that name and style, said company shall be capable of contracting

Powers of com-
pany.

and being contracted with; are hereby invested with all the powers, privileges and immunities and franchises, of acquiring by purchase or otherwise, all kinds of property, and holding and conveying real and personal estate.

SEC. 2. That the capital stock of said company shall be two millions of dollars, and may be increased, from time to time, to five millions, if necessary for the business of said company. The stock shall be divided into twenty thousand shares of one hundred dollars each share, and shall be deemed personal property, issued and transferred as may be ordered by the by-laws and ordinance of the president and directors of said company.

Capital stock.

SEC. 3. That the said company are hereby authorized and empowered to survey, locate, construct, alter and maintain, and operate a railroad, with one or more tracks, from Leavenworth city, on the Missouri river, on the most practicable and convenient route, by Delaware, Lawrence, Minneola, Osage city, and down the Neosho river, through the Osage Nation, in conformity to a treaty stipulation made by said company with said Osage Nation, at Littleton, on the 7th day of January, 1858, and to Fort Gibson, or the highest steamboat navigation of the Grand river, and also one branch of said road from a convenient point at the crossing of Deer creek, in a north-westerly direction, up the valley of Neosho river, and across from a convenient point to Fort Riley, on the Kansas river.

Company authorized to survey, &c.

SEC. 4. That the said company are hereby authorized, and shall have the right of way upon, and may appropriate to its sole use, and contract for the purposes contemplated herein, land not exceeding one hundred feet in width, through the entire length, upon such route as may be determined. And for the purposes of depots, station houses, machine shops, side tracks, cuttings and embankments, or for building engine houses, or shops, or wood and water stations, may take as much land, earth or material, as may be necessary for the construction of, or completion, operation, preserving and maintaining said road.

Shall have right of way.

SEC. 5. That all such lands and materials, or any necessary privilege that may be desired on lands or materials belonging or accruing to this Territory or State, county or township, are hereby granted to such railroad for the purposes named in the previous section, and may construct said road on or across other railroads, common roads, rivers or streams which it may intersect, but not to impair their usefulness.

May cross other roads, &c.

SEC. 6. That all the corporate powers of said company shall

Act 1864

See act 1864

(Act) 1864

(Act) 1864

(Act) 1864

Corporate powers vested in president and directors.

vest in, and be exercised by a president and board of directors, and such officers and agents as the president and board of directors may appoint, and no person shall be eligible to be elected, or serve as president or director for said company, who is not a stockholder of one or more shares.

*Section 6
act 1864*

Election to be by ballot. President, how elected.

SEC. 7. That all elections shall be by ballot, and each share shall have one vote, by person or by proxy. The president shall be elected by a majority of the votes of the company, on the first Monday of June, and serve for two years, and until his successor is elected and qualified into office; and the directors, or any three of them, shall act as judges of the election.

*Section 11
act 1864*

Term of office.

Directors to be elected.

SEC. 8. That the stockholders shall elect thirteen directors annually, on the first Monday of June, who shall continue in office until their successors are elected and qualified into office. Any five of said directors, with the president, shall be a quorum to transact business; and, in case of vacancy by refusal to serve, or resignation, the board of directors shall fill the vacancy. In case of vacancy of the presidency, the stockholders shall give three weeks' notice of the time and place of holding an election to fill the vacancy, by public advertisement; also, for the annual election of directors, at least three weeks' public notice shall be given of the time and place of election.

*Section 12
act 1864*

Vacancies how filled.

SEC. 9. That the president and board of directors shall have power and authority to make such by-laws, ordinances, rules and regulations, as they may deem expedient for the interest of the company, not inconsistent with the laws of the United States.

May make by-laws, &c.

act 1864

Of rates of fare and transportation.

SEC. 10. That the president and directors shall have power to establish such rates of fare and transportation of goods and wares, and collect the same, and govern all matters and things respecting the use of said road, as may be necessary.

act 1864

May enter upon any land for exploration, &c.

SEC. 11. That it may be lawful for said company, their officers, agents, engineers and such persons as are employed by them, for the purpose of exploring, surveying, or locating said road, to enter upon any lands, doing no unnecessary injury, without the consent of the owner, and may acquire by gift, grant, contract, release, donation or otherwise, any lands or property whatever, and may hold the same in any manner deemed best for the interest of the company.

Section 12

If they cannot obtain right of way, &c.

SEC. 12. That if said company cannot obtain the right of way by purchase or otherwise, if the owners refuse to agree upon the terms, or when the owner is unknown, non-resident, idiot or under age, either party may make application to the judge of the Dis-

act 1864

trict Court, or any justice of the peace, where the lands lie, or are situate in his county, and upon notice posted ten days in some public place, asking the appointment of commissioners to appraise the damages to the lands required for the road.

Act 1864
Sect. 7.

SEC. 13. That upon such application being made to such judge or justice of the peace, he shall appoint three disinterested persons commissioners to appraise such land or damages to property. Such commissioners shall take into consideration the advantage of the road to the adjoining land of the owner, as well as the injury done. Such commissioners shall, by public notice, appoint a time and place—and adjourn, if necessary—for hearing the parties, and examine the land, and determine damages, if any. They shall take an oath to faithfully and impartially perform their duties, to the best of their judgment. They, or a majority of them, shall make up and sign an award to the parties, embracing a description of the land, the amount of damages to each, and make return of their doings to the clerk of the county, or District Court; and on the payment of the damages, if any, the property shall vest absolutely in the company. But should either party feel aggrieved by the verdict of the commissioners, they may appeal, as in other cases of appeal, from the verdict of a jury before a justice of the peace, and the case shall be tried the same way.

Commissioners appointed to appraise damages.

Duties.

Parties aggrieved may appeal.

SEC. 14. That if any person shall carelessly, wilfully or maliciously hinder, delay, or obstruct the workmen or the passage of trains, or shall place any obstruction on the track, or in any manner injure or destroy any mark, stake, tools, cars, or other property of said railroad, or pertaining to it, or aid or abet any person in the commission of such trespass, all such persons shall forfeit and pay said company, agents or servants, three-fold the amount of damage done, recoverable before any court of competent jurisdiction, and be liable to indictment and imprisonment for five years.

Persons wilfully injuring road, &c.

Penalty.

SEC. 15. That the company shall, in a reasonable time, cause a plot of the road to be filed in each and every recorder's office of the respective counties through which it may pass.

Plot to be filed.

SEC. 16. That the organization of the said company at Leavenworth, on the 10th day of December, 1857, and all their proceedings to the passage of this Act, are hereby legalized and in full force and effect, subject only to the provisions and amendments in this Act made and provided.

Proceedings legalized.

SEC. 17. That Hudson Burriss, Joel C. Green, H. C. Justice,

Act 1864
Section 13

Penalty

1864

Names of directors. F. P. Whitcher, Milton M. Hann, Adam Fisher, Henry J. Adams, G. A. Reynolds, E. D. Ladd, John Speer, John Mathes, Darius Rogers and R. B. Jordan, or any five of them, with the president, shall form and constitute the first board of directors, and John B. Chapman the first president of said company.

Duty of president. SEC. 18. That it shall be the duty of the president to preside at all meetings of the board of directors, and sign all orders of the board, and obligations and contracts, in the name of the company, and to see that all orders of the company, by-laws and regulations made by them, are fully carried out and executed.

Appointment of officers. SEC. 19. That the president and directors shall appoint all necessary officers and servants—treasurer, clerks, engineers, agents—and remove the same at pleasure. They [shall] fix the salaries of all officers, and compensation of servants and for services.

Powers conferred. SEC. 20. That the company may take for subscription of stock to said road, land or any other kind of property, bonds, notes, bills, or any other evidence of debts; and the company may borrow money on their own credit, and the credit of the road, and the property thereof, and issue their bonds for said debts, and make such obligations, at such interest and time as the parties may agree on, and the company may demand such security from their officers as they may deem expedient.

Shall establish offices on the road. SEC. 21. That the company shall establish one or more principal offices, on the line of the road from Leavenworth to Fort Gibson, at any one of which company offices, for official business of the president and directors, a summons, with any officer of the company, directed to the president, shall be sufficient service of process in case of suit.

Shall provide for manner of payment of stock, &c. SEC. 22. That the president and directors shall provide for the manner and time of payment of stock, and the conditions on which certificates shall issue to stockholders, except the stock subscribed by the Osage Nation, which shall issue according to treaty stipulations.

Shall advertise for payment of stock. SEC. 23. That the directors shall advertise for the payment of the capital stock, at such places and offices of the company as they may direct, and for such amount of the stock, not to exceed five per cent. on the amount subscribed, every six months; any stockholder failing to make payment of the legal amount required, after ten days public notice has been given, the company may recover the same with interest, and no delinquent officeholder shall vote in the company.

SEC. 24. That the company shall commence the construction of said road within one year from and after the first day of March next, and complete the same in six years from the passage of this Act: *Provided*, however, that the directors may divide the road into any number of divisions not exceeding five; and the completion of any one of said divisions, shall secure that portion to the company.

Shall commence road when.

SEC. 25. That dividends of the profits of the road shall be made every six months, or oftener if necessary, on the completion of the road, as in this Act contemplated. The same shall vest with all immunities in said company, or their successors, heirs and assigns forever.

Dividends, when made.

SEC. 26. That, provided the United States government shall make a grant of land to aid in the construction of said road, they shall, in time of war, and other emergencies, have the free use of said road to transport men, arms and munitions of war, over said road, without charge, and said road shall be considered a United States post route, and the United States mail shall be carried by the company, upon the same terms as upon other railroads, and five per cent. of net profits of the said road shall be annually set apart by the company, as a school fund, and paid into the Territorial or State treasurer, to be applied by the Legislature in support of common schools.

The U. S. to have free use of road, when.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

This Bill having been returned by the Governor with his objections thereto, and after reconsideration, having passed both Houses by the constitutional majority, it has become a law this the 12th day of February, A. D. 1858.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

CHAPTER LXVIII.

LEAVENWORTH CITY, DELAWARE AND CITY OF LAWRENCE R. R. CO.

AN ACT to Incorporate the Leavenworth City, Delaware, and city of Lawrence Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporators.

SECTION 1. That Gaius Jenkins, Robert N. Sherwood, Addison Goodell, D. D. Cook, John Dewitt, John B. Irvin, William Spencer, H. Miles Moore, M. J. Parrott, George H. Keller, J. W. Webb, James Mc——, G. W. Smith, George W. Deitzler, A. J. Mead, Charles Jenkins, B. Harding, Elias S. Dennis, Cyrus F. Currier, George W. McLaughlin, Samuel H. Cook, John Reynolds, Horace Tucker, C. W. Babcock, John B. Hatterscheidt, with such other persons as may associate with them for that purpose, are hereby incorporated a body politic and corporate, by the name of the Leavenworth city, Delaware and the city [of] Lawrence Rail Road Company, and under the name and style may have perpetual succession, and shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against, in law and equity, in all courts and places. May make and use a common seal, and alter or renew the same, be capable of contracting and being contracted with, and [are] hereby invested with all the power, privileges, immunities and franchises, and of acquiring by purchase or otherwise, and holding and conveying real estate, which may be needful to carry into effect, fully, the purposes and objects of this Act.

Powers of company.

Authorized to survey roads, &c.

SEC. 2. The said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad with one or more tracks, from Leavenworth city, by way of Delaware, to the city of Lawrence.

Shall have right of way.

SEC. 3. That the said company are hereby authorized, and shall have the right of way upon, and may appropriate to its sole use, for the purpose contemplated herein, land, not exceeding one hundred feet in width through its entire length on such rout[e]s, as may be determined, and for the purpose of depots, side-tracks, cuttings and embankments, for building engine houses and shops, or wood and water stations, may take more land or material, as may be necessary for the construction or completion, operation, preserving and maintaining said road.

SEC. 4. That all such lands, materials and privileges, as are

mentioned in the preceding sections, belonging to this Territory, or State hereafter, are hereby granted to such railroad, for the purpose named in the previous sections, and said company may construct said road on or across other railroads, common roads, rivers or streams, which it may intersect, but said company shall restore said railroad, common road, river or stream, thus intersected, in a sufficient manner not to materially impair its usefulness.

Lands, &c., granted to said road.

Road may cross other roads, &c.

SEC. 5. That the capital stock of said company shall be one million five hundred thousand dollars, which may be increased from time to time, to any sum not exceeding the amount expended on account of said road, divided into shares of one hundred dollars each, which shall be deemed personal property, issued and transferred as may be ordained by the directors or laws of said company.

Capital stock.

SEC. 6. That all the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they may appoint; the board of directors shall consist of thirteen persons, stockholders; at least five shall reside in Kansas, who shall be chosen annually by the stockholders, each share having one vote, by person or proxy, and continue in office until their successors are elected and qualified. Vacancies in [the] board may be filled by a vote of two-thirds of the remaining directors.

All corporate powers vested in board of directors.

SEC. 7. That the president and directors, for the time being, are hereby empowered, or their officers or agents, to execute all the powers herein granted for the purpose of surveying, locating, constructing and operating said railroad and branches, for transportation of persons, goods and merchandise, and authority of contracts and management of the affairs, as may be necessary to carry into effect the interest of this Act.

President and directors, &c., to execute powers granted for surveying, &c.

SEC. 8. That the said company shall have power to make, ordain and establish such by-laws, rules and regulations, as they may deem expedient for the objects and interest of the company: *Provided*, they be not inconsistent with the laws of the United States or this Territory; they shall have power to establish such rates of transportation, and collect the same, [and such] matters and things respecting the use of said road, the transportation of persons and property, as may be necessary.

Company shall have power to make by-laws, &c.

SEC. 9. That it may be lawful for said railroad company, their agents or engineers, for [the] purpose of exploring or surveying, or locating said road, to enter upon any lands, doing no

Lawful to enter upon lands for certain purposes.

unnecessary damages, without the consent of the owners, and may acquire, by release, donation or otherwise, any lands, and may hold the same, or convey to others, or use the same, in any manner deemed for the interest of said company.

If cannot obtain right of way.

SEC. 10. That if said company cannot obtain the right of way by purchase or otherwise, if the owners refuse to agree upon terms, or when the owner is unknown, non-resident, idiot, or under age, either party may make application to the judge of Probate of the county wherein the land is situated, upon notice being posted ten days in some public place, asking the appointment of commissioners to appraise the damage of such lands required for the purpose of the road.

Disinterested persons to be appointed commissioners.

SEC. 11. That upon such application being made to such judge, he shall appoint three disinterested persons to act as commissioners for the appraisal of all such damages, taking into consideration the advantages as well as any injury to the parties interested in such lands, said commissioners shall, by public notice, appoint a time and place, and may adjourn, if necessary, for hearing the parties, and proceed to examine the lands, ascertain and determine the damages, if any, and, under oath, impartially and justly to appraise the land necessary for the use of said company, and faithfully perform the duty, to the best of their judgment and ability. They, or a majority of them, shall make up and sign the awards to the parties, embracing a description of the lands, and the amount of damage to each, and make a return of their doings to the judge of the Probate Court. The commissioners making such appraisal, shall be entitled to pay for their services, three dollars per day, and ordinary traveling expenses, which shall be paid for by said company.

Awards to parties, &c.

Compensation of commissioners.

If either party feel aggrieved, he may appeal.

SEC. 12. That if either party feel aggrieved by such appraisal or award, he may appeal, within twenty days after such awards are made known, by giving notice to that effect to the opposite party, otherwise both parties shall be bound by the awards, and the amount shall be paid upon application of the persons entitled to receive the same. In case of an appeal, a bond shall be filed for the costs in court, to be paid by the party who shall be entitled to pay the same as determined by the court aforesaid.

In case of appeal.

SEC. 13. That, in case of appeal or a disagreement in regard to the damages, the railroad company may occupy, for the purpose of construction of the road, by giving satisfactory security to the judge of said court, for the alternate payment of the damages so determined.

SEC. 14. That said corporation shall, within reasonable time after said road or branches are definitely located, cause a map and profile to be made of the rout[e] of said road, and file the same in the office of the secretary of the Territory or State.

Map and profile to be made and filed.

SEC. 15. That when fifty thousand dollars shall have been subscribed to the capital stock, and ten per centum actually paid to the grantees herein named, and a certificate from a majority of them, duly authenticated, filed in the office of the secretary of the Territory or State, they are authorized to organize the company and open books for further subscription, requiring payments or installments from time to time, and in case of a refusal or neglect on the part of the stockholders, to make payment, as required, the shares of such delinquent may, after thirty days public notice, be sold at auction, and the surplus, if any, deducting payments and interest, be paid to such stockholders.

When the company shall be authorized to organize, &c.

SEC. 16. That when the citizens of any county or city of this Territory or State are desirous of subscribing to the stock of said company, the citizens of such city or county are authorized to purchase, subscribe or hold shares, not exceeding one hundred thousand dollars in amount, as shall be determined by the county court or common council making such subscriptions, in all respects as stock owned by individuals, and such railroad company may dispose of bonds issued for such stock, by said county or city, upon such terms as may be necessary.

Citizens of any county or city may subscribe to stock.

SEC. 17. That subscriptions to the stock of said company may be made in land, in the same manner as in cash, and said company is hereby authorized to hold, purchas[e], and convey the same, as they may deem for their interest.

Subscriptions may be made in land.

SEC. 18. That the company are hereby authorized to issue bonds upon their road, or hold and sell the same in such amounts, upon such terms, above or below par, and at such rates of interest as may be determined, which shall be binding upon the parties interested: *Provided*, however, that said bonds shall not be issued for a less sum than five hundred dollars.

Company may issue bonds.

SEC. 19. That said company shall commence the construction of said road within two years from the passage of this Act, and shall complete the same within ten years therefrom.

Road to be commenced in two years.

SEC. 20. That this company shall have the power to make such contracts and arrangements with other railroads which connect with, or intersect the same, as may be mutually agreed upon by the parties, for bearing ——— or running their roads, or any part thereof, in connection with roads in other States, and shall

Powers to make contracts with other roads.

be empowered to consolidate their property and stock with each other, such consolidation to take place whenever such companies shall respectfully [respectively] agree upon the terms and condition, and shall have all the powers, privileges and liabilities that they may hold by their separate charters, by filing a copy of such articles of consideration [consolidation,] in the office of the secretary of the Territory or State.

Liability of stockholders.

SEC. 21. That no stockholder shall be individually liable for the debts of the corporation, further than the amount of stock invested in the company.

This Act to take effect from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved, February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXIX.

LEAVENWORTH CITY, HAMLIN AND NEBRASKA R. R. COMPANY.

AN ACT to Incorporate the Leavenworth City, Hamlin and Nebraska Rail Road Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporations.

SECTION 1. That Joel Parker, Jas. Davis, C. F. Currier, M. J. Parrott, Wm. Pennock, W. Y. Roberts, J. B. Irvin, O. B. Holman, J. M. Dixon, J. P. Root, W. G. Sargent, Geo. Ross, James Winkles, Jas. H. Lane, William Spencer, A. Elliot, John M. Wood, R. M. Sherwood, C. Robinson, E. H. Niles, Gaius Jenkins, S. A. Wadsworth, Geo. H. Keller, Morris Hunt, H. Miles Moore, S. W. Eldridge and E. N. Morrill, with such other persons as may associate with them for that purpose, are hereby incorporate a body politic and corporate, by the name of the Leavenworth City, Hamlin and Nebraska Railroad Company, and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against, in law and equity, in all courts and places ; may make and use a common seal, and alter or renew the same,

Powers of company.

be capable of contracting and being contracted with, and are hereby invested with all powers, privileges, immunities and franchises, and of acquiring by purchase or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect, fully, the purposes and objects of this Act.

SEC. 2. That the said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad with one or more tracks, from Leavenworth city via Rochester and Hamlin to the Nebraska line, near Falls City, in the direction of Nebraska City.

Authorized to survey, locate &c.

SEC. 3. That the said company is hereby authorized, and shall have the right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land, not exceeding one hundred feet in width through the entire length of said road, upon such route as may be determined, and for the purposes of depots, side tracks, cuttings and embankments, for building engine houses and shops, wood and water stations, may take more land, earth or material, as may be necessary for the construction or completion, operation, preserving and maintaining said road.

Shall have right of way &c.

SEC. 4. That all such lands, materials and privileges belonging to this Territory, or State hereinafter, are hereby granted to the said railroad for the purposes named in the previous section, and may construct said road on or across other railroads, common roads, rivers or streams, which it may intersect, in sufficient manner not to materially impair its usefulness.

Lands, &c. granted to said road.

May cross other roads, &c.

SEC. 5. That the capital stock of said corporation shall be two million of dollars, which may be increased from time to time to any sum not exceeding the amount expended on said road, divided into shares of one hundred dollars each, which shall be deemed personal property, issued and transferred as may be ordered by the directors or laws of said company.

Capital stock.

SEC. 6. That all the corporate powers of said company shall be vested in and exercised by a board of directors, and such other officers and agents as they may appoint. The board of directors shall consist of thirteen persons, stockholders, five of which, at least, shall be residents of Kansas, who shall be chosen annually by the stockholders, each share having one vote by person or proxy, and continue in office until their successors are elected and qualified. Vacancies may be filled by a two-thirds vote of the remaining directors.

All corporate powers vested in a board of directors.

SEC. 7. That the president and directors, for the time being,

President and directors to execute powers granted for surveying, &c.

are hereby empowered, or their officers or agents, to execute all the powers herein granted, for the purpose of surveying, locating, constructing and operating said railroad, and for transportation of persons, goods and merchandize, and authority of contract and management of the affairs as may be necessary to carry into effect the intent of this Act.

Company may make by-laws, &c.

SEC. 8. That the said company shall have power to make, ordain and establish such by-laws, rules and regulations, as may be deemed expedient for the objects and interests of the company: *Provided*, they be not inconsistent with the constitution of the United States, and the laws of this Territory. The said company shall have power to establish such rates for transportation, and collect the same, and matter and things respecting the use of said road, the transportation of persons and property, as may be necessary.

Lawful to enter upon lands for certain purposes.

SEC. 9. That it may be lawful for said railroad company, their agent or engineer, for the exploring, surveying or locating said road, to enter upon any land, doing no unnecessary damage, without the consent of the owner, and may acquire by release, donation or otherwise, any land, and may hold the same or convey to others, or use the same, in any manner deemed for the interests of said company.

If said company cannot obtain right of way.

SEC. 10. That if said company cannot obtain the right of way by purchase or otherwise, or if the owner refuse to agree upon terms, or where the owner is unknown, non-resident or idiot, or under age, either party may make application to the judge of the district where the land is situated, upon notice posted ten days in some public place, asking the appointment of commissioners to appraise the damage to the lands required for the purposes of the road.

Commissioners to be appointed

SEC. 11. That upon such application being made to such judge, he shall appoint three disinterested persons to act as commissioners for the appraisal of all such damages, taking into consideration the advantages, as well as any injury to the parties interested in such lands. Said commissioners shall, by public notice, appoint a time and place, and may adjourn, if necessary, for hearing the parties, and proceed to examine the lands, ascertain and determine the damages, if any, and under oath impartially and justly appraise the lands necessary for the use of said company, and faithfully perform the duty to the best of their judgment and ability. They, or a majority of them, shall make up and sign an award to the parties, embracing a description

Duties.

of their lands, and the amount of damages to each, and make a return of their doings to the judge of the District Court. The commissioners making such appraisal, shall be entitled to pay for their services, of three dollars per day, and ordinary traveling expenses, which shall be paid by said company.

Compensation of commissioners.

SEC. 12. If either party feel aggrieved by such appraisal or award, he may appeal within twenty days after such award is made known, by giving notice to that effect to the opposite party, otherwise both parties shall be bound by the award, and the amount shall be paid upon application of the person entitled to receive the same. In case [of] appeal, a bond shall be filed for the costs in court, to be paid by the party who shall be entitled to pay the same, as determined by the court aforesaid.

If either party feel aggrieved, may appeal.

Bond to be filed

SEC. 13. That in case of appeal or disagreement in regard to the damages, the railroad company may occupy, for the purpose of the construction of the road, by giving satisfactory security to the judge of said court, for the ultimate payment of the damages so determined.

In case of appeal.

SEC. 14. That if any person shall carelessly, wilfully, or maliciously hinder, delay or obstruct the workmen or the passage of the trains, or shall place any obstructions on the track, or in any manner injure or destroy any tools, cars or other property of the railroad, or pertaining thereto, or aid or abet any person in the commission of such trespass, all such persons shall forfeit and pay said company, agents or servants, treble the damages as shall be proven in any court, and shall be liable to indictment and imprisonment for a term not exceeding five years, in the discretion of the court which shall try the same.

Penalty for wilfully injuring or delaying road.

SEC. 15. That said corporation shall, within reasonable time after said road is definitely located, cause a map and profile to be made of the route of said road, and file the same in the office of the secretary of the Territory or State.

Map and profile to be made and filed.

SEC. 16. That when fifty thousand dollars shall have been subscribed to the capital stock, and ten per centum actually paid to the grantees herein named, and a certificate from a majority of them duly authenticated, filed in the office of the secretary of the Territory or State, as the case may be, they are authorized to permanently organize the company, and open books for further subscriptions, requiring payments or installments from time to time; and in case of neglect or refusal on the part of the stockholders to make payment as required, the shares of such delinquent may, after thirty days notice, be sold at auction, and the

When \$50,000 are subscribed.

surplus, if any, deducting payments and interest, shall be paid to such stockholders.

Citizens of any county or city may subscribe

SEC. 17. That when the citizens of any county or city in this Territory, are desirous of subscribing to the stock of said company, the citizens of such city or county are authorized to purchase, subscribe or hold, shares not exceeding one hundred thousand dollars in amount, as shall be determined by the county court or common council making such subscription, in all respects as stock owned by individuals, and such railroad company may dispose of bonds issued for stock by said county or council, upon such terms as may be necessary.

Subscriptions may be made in land.

SEC. 18. That subscriptions to the stock of said company may be made in lands in the same manner as in cash, and said company are hereby authorized to hold, purchase and convey the same as they may deem for their interest.

Authorized to issue bonds.

SEC. 19. That the company are hereby authorized to issue bonds upon their road, or hold and sell the same in such amounts, upon such terms, above or below par: *Provided*, however, that said bonds shall not be issued for a less sum than five hundred dollars.

Shall commence and complete road, when.

SEC. 20. That said company shall commence the construction of said road within seven years after the passage of this Act, and shall complete the same within fifteen years thereafter.

May contract with other railroads.

SEC. 21. That this company shall have the power to make such contracts and arrangements with other roads, which connect with or intersect the same, as may be mutually agreed upon by the parties for bearing or running their roads, or any part thereof, in connection with roads in other States, and shall be empowered to consolidate their property and stock with each other, such consolidation to take place whenever such companies shall respectively agree upon the terms and conditions, and shall have all the powers and privileges and liabilities, that they may hold by their separate charters, by filing a copy of such articles of consolidation in the office of the secretary of this Territory or State.

Directors shall make exhibit of affairs.

SEC. 22. That, at every annual meeting, the directors shall make to the stockholders an exhibit of the affairs and condition of said company. One-tenth part in interest of all the stockholders, may call a meeting by giving thirty days notice in two papers published in this Territory or State, or hereinafter.

Upon the completion of the road, shall file a plat.

SEC. 23. That said company, upon the completion of said road, shall file a plat thereof in the office of the secretary of the Territory or State, and the Legislature may, at any time, require

a statement from the company as to the progress of the work, the amount of business and receipts of the company; and the books and accounts of said company may, at any time, be investigated by a committee appointed by the General Assembly of the Territory or State, as the case may be, and the corporation shall make a report annually, to the secretary of the Territory or State, as the case may be, of the operations of the year ending on the first day of December, which report shall be verified by the oaths of the treasurer and acting superintendant, of their operations, and filed in the office of said secretary, by the third Monday in December in each year.

Corporation shall make report annually.

SEC. 24. That said company shall have power to receive and hold loans, gifts, grants and donations of lands, moneys or bonds, as the case may be, from this Territory or State, or from the United States, and may sell, convey, pledge, mortgage, or otherwise dispose of the same, or any part thereof, and apply the proceeds to the construction of said road.

May receive and hold lands, &c.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXX.

MISSOURI RIVER AND ROCKY MOUNTAIN RAILROAD COMPANY.

AN ACT to Amend an Act entitled "An Act to Incorporate the Missouri River and Rocky Mountain Railroad Company." Approved February 5th, 1858.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. The capital stock of said corporation shall be five millions of dollars, to be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be issued and transferable as may be directed by the by-laws of said company.

Capital stock.

SEC. 2. The board of directors shall consist of nine persons,

Board of directors to make by-laws, &c.

who shall be stockholders, and at least three of whom shall be residents of Kansas, and who shall have power to enact and enforce such by-laws, rules and regulations, as may by them be deemed necessary and expedient for the interest of the company. A majority of said board shall constitute a quorum for the transaction of all business. Vacancies occurring in said board, may be filled by a vote of a majority of the remaining directors.

May hold, sell and convey real estate, &c.

SEC. 3. It shall be lawful for said corporation to receive and hold by grant or otherwise, and to sell, dispose of and convey some, all and any real or personal estate, to which said corporation may acquire title by grant or otherwise, for the purpose of securing or aiding the construction of said railroad.

May issue bonds.

SEC. 4. The said corporation are hereby authorized to issue bonds in such amounts, and at such times, as the directors thereof may deem necessary to aid in the construction of said road, and to sell and dispose of the same, either above, below, or at par, as the said directors may determine.

Act repealed.

SEC. 5. All of said Act hereby amended, inconsistent with this Act, is hereby repealed.

This Act shall take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER LXXI.

MISSOURI RIVER RAILROAD COMPANY.

AN ACT to Incorporate the Missouri River Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of corporations.

SECTION 1. A. W. McCauslen, John C. Douglass, Marcus J. Parrott, A. A. Jameson, W. D. Beeler, Charles Robinson, J. P. Root, Frank J. Adams, R. W. Hamer, James H. Lane, Harris Stratton, John M. S. Williams, Thomas H. Snape, and their associates and assigns, are hereby created a body politic and cor-

porate, by the name of the Missouri River Railroad Company, and by that name shall be, and are hereby made capable in law to purchase, hold, enjoy, retain, to them and their successors, lands, tenements, hereditaments, so far as may be necessary for the purpose of constructing a railroad hereinafter set forth, and the same to sell, grant or in any manner to dispose of, to contract or be contracted with, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, and also to make, have and use a common seal, the same to alter, break, or renew at their pleasure. And if one or more of the persons named in this section shall die, refuse or neglect to execute the powers, and discharge the duties hereby created, it shall be the duty of the remaining persons hereinbefore named, or a majority of them, to appoint a suitable person or persons to fill such vacancy or vacancies, so often as the same shall occur.

Powers.

Vacancies how filled.

SEC. 2. The said corporation are hereby authorized and empowered to construct and erect a railroad from a point on the line between Missouri and Kansas, near to the mouth of the Kansas river, by the way of Leavenworth City and Palermo, to the line between Kansas and Nebraska, at a point near Roy's ferry.

Authorized to construct railroad.

SEC. 3. The capital of said corporation shall [be] five hundred thousand dollars, which may be increased from time to time; to any amount not exceeding the amount expended on account of said road, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, issued and transferred as may be ordered by the directors or laws of said company.

Capital stock of corporation.

SEC. 4. The above named persons, or a majority of them, are hereby authorized to open books for receiving subscriptions, which books shall be opened within one year from the passage of this Act, at such place or places as they may deem expedient, by giving two weeks notice in some newspaper published in the cities of Leavenworth, Wyandott, and in such other places as they may see fit, of the time and place of opening said books.

When books opened for subscriptions.

SEC. 5. So soon as fifty thousand dollars or more of the capital stock of said corporation shall be subscribed, the above named corporators, or a majority of them, shall give notice to the stockholders, in such manner as they may determine, of a time and place for holding a meeting of the said stockholders, to choose directors, for the said corporation; and the said stockholders may at each meeting, proceed to elect nine directors, from the said stockholders, by ballot, each share of stock entitling the owner thereof to one vote, and the corporators mentioned in the

When \$50,000 capital stock subscribed.

Shall call meeting to elect directors, &c.

first section of this Act, or such of them as are present at the said meeting, shall be inspectors of such elections, and shall certify in writing, what persons are elected directors, and shall appoint the time and place of holding the first meeting of the board of directors, at which meeting a majority shall form a quorum, competent to transact the business of the said company; and thereafter, an election of directors shall be held annually at such time and place as the stockholders shall, at their first meeting, determine; and if the stockholders shall fail to appoint the time and place of said election, then the board of directors may fix the time and place of said meeting, and shall give thirty days notice to the stockholders of said meeting, and in case no election is had on the day appointed, the directors last elected shall hold, until an election has been held, and others elected in their stead.

Affairs of company how managed.

SEC. 6. The affairs of said corporation shall be managed by a board of not less than nine, and not more than fifteen directors, who shall be chosen annually by ballot, as hereinafter prescribed by the stockholders of the said company, the votes to be delivered in person, or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve for one year, or until other directors are elected; they shall have power to make and establish such by-laws, rules and regulations, not inconsistent with the constitution of the United States, and the laws of this Territory, as may be necessary for the well ordering of the affairs of said company.

Directors to be stockholders.

SEC. 7. None but stockholders shall be elected directors, and at every election, and in all cases where stockholders shall be called upon to vote, each share of stock shall be entitled to one vote; and in all cases of elections of directors, the stockholders having the highest number of votes, shall be declared elected.

Powers of directors.

SEC. 8. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. A majority of said directors shall be a quorum for the transaction of business, who in the absence of the president, shall appoint a president *pro tem*. The said directors shall appoint a secretary, treasurer, and such engineers and other officers, as they may find necessary, and they shall have full powers to fix the compensation of all officers or agents, and may demand adequate security for the performance of their respective trusts; they shall decide the time and manner, and proportions, in which the stockholders shall pay the money due on their respective shares, and forfeit to the use of the company the share or shares

of every person or persons failing to pay any installment so required, at a reasonable period, not less than sixty days after the time appointed by them for the payment thereof; they shall have full powers to regulate tolls, to make such covenants and agreements with any person, copartnership or body politic whatsoever, as the construction and management of the works, and the convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company: *Provided*, that no installment called in at any one time, shall exceed five dollars per share, and that no installment shall be called for by the directors, without at least thirty days notice thereof, in the newspapers hereinbefore named.

SEC. 9. The directors chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the president and countersigned by the secretary, and sealed with the common seal, subject however to all payments due, or to become due thereon, which stock shall be transferable in person, or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided for in the by-laws of said company.

Shall issue certificates of stock.

SEC. 10. At each annual meeting of the stockholders, for the purpose of electing directors, the directors of the preceding year shall cause to be made, a complete statement of the affairs and doings of the company for such year, and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of such meeting; but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend in person or by proxy.

When directors shall make statement of affairs during the year.

SEC. 11. The said company shall have power to locate and construct a railroad, with one or more tracks, from a point on the line, between the Territory of Kansas and the State of Missouri, on the south side of the mouth of the Kansas river, and near to Kansas City, in the State of Missouri, by the way of Leavenworth and Palermo, to the line between Kansas and Nebraska at a point near Roy's ferry, and shall have power to transport, take and carry property and persons upon the same, by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them, and they shall also

May locate and construct a railroad.

Powers conferred.

have power to make, construct and erect all such side tracks, turnouts and connecting tracks, and also such warehouses, toll-houses, machine shops, carriages, cars, and other works and appendages as may be necessary, for the convenience of the company, for the use of said railroad, and operate the same with other railroads and branch railroads in the Territory of Kansas, and consolidate the capital stock of the said company, with the capital stock of any railroad company, with which the roads of the said company shall intersect, and shall have full power to place the road of the company, and its capital stock, so consolidated, under the direction of a joint board of directors of not less than nine, and not more than twenty-one, to be chosen on such terms as the directors of the companies consolidating their capital stock shall agree upon.

Time of commencing road.

SEC. 12. If said corporation shall not, within three years from the passage of this Act, commence the construction of said railroad, then the rights, privileges and powers of said corporation under this Act shall be void.

May enter upon any land for exploration, &c.

SEC. 13. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage; and when the said route shall have been determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding one hundred feet in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereafter directed and provided in such cases respectively; and said company are further authorized.

Powers conferred.

SEC. 14. The said corporation is hereby empowered to purchase, receive and hold, such real estate as may be necessary and convenient, in accomplishing the objects, for which this incorporation is granted, and may, by their agents, engineers and surveyors, enter upon, and take possession of, and use, all such lands and real estate as may be necessary and indispensable for the construction and maintenance of said railroad, and the appendages and accommodations requisite and appertaining thereto, and may also receive, take and hold all such voluntary grants and donations of land and real estate as shall be made to the said corporation, for the purposes aforesaid; but whenever any lands,

real estate or materials, shall be taken and appropriated by said corporation, for the location, or construction of said railroad or its appendages, or any work appertaining thereto, and the same shall not be given or granted to said corporation, or the proprietor or proprietors do not agree with the said corporation, as to the amount of damage and compensation, which ought to be allowed and paid therefor, or shall not mutually agree on some person or persons to appraise the same, the damages shall be estimated and assessed in the manner following: The said corporation, or owner or owners of said lands, may, on giving notice of their intended application, and the time and place of making the same, apply by petition to the judge of the Probate Court in the county in which said lands may [lie] or in the absence of the said judge from the said county, then to the senior county commissioner of said county, or the county judge of said county, particularly describing, in said petition, the lands to be appraised; and upon proof that reasonable notice has been given, as directed, the said judge, or in his absence, as aforesaid, the said senior county commissioner, shall, on hearing said petition, appoint three disinterested persons, freeholders, and residents of the county, in which said lands may be situate, as commissioners, for the purpose of assessing such damages, and [the] order in which they are appointed; shall specify the lands proposed to be appropriated and occupied, by said corporation, for the purposes aforesaid. The said appraisers, after being duly sworn before an officer legally authorized to administer oaths, honestly and impartially to assess such damages, shall proceed, by viewing said lands, and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each owner will sustain by the appropriation of his land, for the purposes aforesaid, over and above the benefit and advantage, which said commissioners shall adjudge, will accrue to such owner or owners, by the construction of the said railroad. The said appraisers shall make report in writing, to the said judge of the Probate Court, reciting the order of their appointment, and specifying the several parcels of land described therein, the names of the owner or owners of respective parcels, if known, and if not known, stating that fact, and specifying also the damages, which the owner of the respective parcels will sustain by reason of the appropriations of the same for the purposes aforesaid, which said report shall be filed in the office of the clerk of the Probate Court of the county in which said land may lie. In case either of the

If they cannot obtain right of way, &c.

Commissioners appointed for appraisal of damages.

Duties.

Report how made.

In case either party is dissatisfied with appraisal. Proceeding.

parties is dissatisfied with said assessment, the said judge may, at the next term of the Probate Court in said county, on hearing the parties in interest, or if both should not appear, on proof of notice being given to the opposite party, modify the said amendment, as to him shall appear just. At the said term of the Probate Court, holden next after the filing of said report, as aforesaid, a record shall be made of the said report, with the order of the said court thereon, accepting or modifying the same. On the payment of the damages, if any, thus issued, and the expenses of the assessment, the said corporation shall immediately become seized and possessed of the said land and property and entitled to the use of the same for the purposes aforesaid.

Of lands of married woman infants, &c.

SEC. 15. When the lands or other property, or estate of any married woman, infant or person *non compos mentis*, shall be necessary for the construction of the said railroad, or its appendages, the husband of such married woman, or the guardian of such infant, or person *non compos mentis*, may release all damages in relation to the land, property or estate, to be taken or appropriated as aforesaid, as fully as they might do, if the same were holden in their rights respectively, or the husband or guardian of any such person, whose property shall be taken as aforesaid, may appear and act for and in their behalf, in obtaining an assessment of the damages to the same under this Act; and in case any such infant or person *non compos mentis*, whose property may be taken, as aforesaid, shall be without guardian, the judge of the Probate Court, or the commissioners, shall have power to appoint a guardian, *ad litem*, to act in behalf of such person.

Road may cross other roads.

SEC. 16. Whenever it shall be necessary under this Act of incorporation, for the construction of a single or double track railroad, as herein authorized, to intersect or cross any stream of water, or any public road or highway, it shall be lawful for the said corporation [to construct the said railroad] across or upon the same: *Provided*, the said corporation shall restore such stream, or water course, or public road or highway, thus intersected to its former state, or in a sufficient manner not to materially impair its usefulness.

Any person injuring the road.

SEC. 17. If any person shall willfully or negligently do, or cause to be done, any act or acts whatever, whereby the said road, or any building, construction or work of said corporation, or any engine or machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, weakened

or impaired, injured or destroyed, the person or persons so offending, shall forfeit and pay to the said corporation, treble the amount of damages sustained by reason of such offence, to be recovered with costs of suit, in the name of said corporation, by action of debt; and such offender or offenders shall also be deemed guilty of a misdemeanor, and shall be subject to an indictment and punishment, as in other cases. Penalty.

SEC. 18. For the purpose of facility in the construction of the railroad authorized by this Act, the said corporation is, and shall be, permitted to negotiate a loan or loans of money to the amount of its capital stock, and pledge all its property, real and personal, and all its rights, credits and franchises for the payment thereof. May negotiate loans.

SEC. 19. It shall be the duty of the corporation hereby created, when the railroad contemplated by this Act shall have been completed, to keep and maintain the same in good condition and repair, and whenever from any cause whatever, the same shall become injured or out of repair, the said corporation shall immediately proceed to repair the same, under the penalty of a forfeiture of the amount of all damages caused by such want of repair on said road. Duty of corporation when road is completed.

SEC. 20. This Act shall be deemed and considered a public Act, and shall be favorably and justly construed, for all purposes therein expressed and declared, in all courts and places whatsoever. This not a public act.

SEC. 21. The railroad contemplated herein, to be completed within ten years from the passage of this Act. When to be completed.

[Signed.]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXXII.

ST. JOSEPH AND TOPEKA RAILROAD COMPANY.

AN ACT Supplemental to An Act, entitled "An Act to Incorporate the St. Joseph and Topeka Railroad Company." Approved February 20, 1857.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas as follows, to wit:

Names of corporators.

SECTION 1. That the corporators, that is [to] say, Milton C. Dicky, Thomas G. Thornton, Wilson Gordon, Loring Farnsworth, F. L. Crane, Joseph Miller, E. H. Penfield, John P. Wheeler, Stoddard Gordon, John M. Cox, S. I. Walkley, S. E. Martin, Walter Oakley and John W. Farnsworth, with such other persons as may associate with them, for that purpose, are hereby authorized and empowered in addition to the rights, privileges, and immunities granted by the aforesaid act, to extent said railroad from the city of Topeka, Kansas Territory, to such point on the southern or western boundary of the said Territory, in the direction of Santa Fe, New Mexico, as may be most suitable and convenient, for the construction of said railroad; and also to construct a branch of said railroad to any points on the southern boundary of said Territory of Kansas, in the direction of the Gulf of Mexico, said road and branch to be constructed in pursuance of all the provisions, and subject to all the instructions of the act to which this is a supplement.

Additional powers conferred.

Capital stock extended.

SEC. 2. The capital stock of the said corporation is hereby extended to the sum of five millions of dollars, which may be increased from time to time to any sum necessary to complete said railroad and branch.

Responsibility of shareholders

SEC. 3. The share-holders of said St. Joseph and Topeka Railroad Company, shall each be individually liable only for the amount of stock subscribed by them to the capital stock of said railroad company.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXXIII.

ST. JOSEPH, SUMNER AND LAWRENCE RAILROAD COMPANY.

AN ACT to Incorporate the St. Joseph, Sumner and Lawrence Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That Charles Robinson, Marcus J. Parrott, Geo. W. Collamore, Ivers Phillips, Levi W. Woods, Robert Crozier, John P. Wheeler, C. F. Currier, R. B. Mason, Washington Mason, S. W. Eldridge, R. W. Hamer, Samuel Harsh, Henry A. Woods, D. D. Cone, Albert Barber, Stephen Barnard, Joseph Stehlin, A. W. Johnson, O. C. Nelson, B. D. Moore, Wm. H. Russell, Lewis Broad, E. P. Lewis, Caleb A. Woodworth, Arthur M. Claffin, with such other persons as may associate with them for that purpose, are hereby incorporated a body corporate, by the name of the Saint Joseph, Sumner and Lawrence Railroad Company, and under that name and style, shall be capable of suing and being sued, pleading and being impleaded, defending and being defended against, in law and equity, in all courts and places; may make and use a common seal, and alter and renew the same, be capable of contracting and being contracted with, and are hereby invested with all the powers, privileges, immunities and franchises, and of acquiring, by purchase or otherwise, and of holding and conveying, real and personal estate, which may be needful to carry into effect, fully, the purposes and objects of this Act.

Names of corporations.

Powers of company.

SEC. 2. The said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain, and operate a railroad with one or more tracks, from the city of Sumner, on the Missouri river, to Lawrence, in said Territory.

Authorized to survey, locate &c.

SEC. 3. The said company are hereby authorized, and shall have the right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land not exceeding one hundred and sixty-five (165) feet in width, through the entire length of said road, upon such routes as may be determined, and for the purpose of depots, side tracks, cuttings and embankments, for building engine houses and shops, or wood and water stations, may take, move land, earth or materials as may be necessary for the construction or completion, operation, preserving or maintaining said road.

Shall have right of way, &c.

SEC. 4. All such land, material and privileges, belonging to this Territory or State hereafter, are hereby granted to such

Lands, &c., granted to such railroad.

May cross other roads, &c.

railroad for the purpose named in previous sections. Said company may build said road along or across any Territory or county road, or the streets of any town or city, or any stream or highway; but whenever said road shall cross any territorial or county road, said company shall keep good and sufficient causeways or other adequate facilities for crossing the same, and said railroad shall not be so constructed, as to prevent the public from using any road, street or highway along or across which it may pass; and when said railroad shall be built across any navigable stream, said company shall erect a bridge sufficiently high on which to cross, or shall construct a draw bridge, so that in no case shall the free navigation of such stream be obstructed.

Capital stock.

SEC. 5. The capital stock of said corporation shall be two million dollars, which may be increased from time to time, to any sum not exceeding the amount expended on account of said road, divided into shares of one hundred dollars each, which shall be deemed personal property, issued and transferred as may be ordered by the directors, or the by-laws of said company.

All corporate powers vested in board of directors.

SEC. 6. All the corporate powers of said company shall be vested in, and exercised by a board of directors, and such officers and agents as they may appoint. The board of directors shall consist of thirteen persons, stockholders, three of whom at least, shall be residents of Kansas, who shall be chosen annually by the stockholders, each share having one vote, by person or proxy, and continue in office until their successors are elected and qualified. Vacancies in the board may be filled by a vote of two-thirds of the remaining directors.

Powers of president and directors.

SEC. 7. The President and directors, for the time being, are hereby empowered to execute all the powers herein granted, for the purpose of surveying, locating, constructing and operating said railroad, and for transportation of persons, goods and merchandize, and authority of contracts and management of the affairs as may be necessary to carry into effect the intent of this Act.

Company may make by-laws, &c.

SEC. 8. The said company shall have power to make, or ordain and establish such by-laws, rules and regulations as may be necessary for the government of said company, and the management of its affairs, and to establish rules of transportation and collect the same.

May enter upon any land, to survey, explore &c.

SEC. 9. It may be lawful for said railroad company, their agents or engineers, for the purpose of exploring and surveying, or locating said road, to enter upon any land, doing no unneces-

any damage, without the consent of the owner, and may acquire by release, donations or otherwise, any lands, and may hold the same, and may convey to others, or use the same in any manner, deemed for the interest of said company.

SEC. 10. If said company cannot obtain the right of way, by purchase or otherwise, or if the owners refuse to agree upon terms, or when the owner is unknown, non-resident, idiot or under age, either party may make application to the judge of the district where the lands are situated, upon notice, posted ten days in some public place, asking the appointment of commissioners to appraise the damage to the lands required for the purpose of the road.

If cannot obtain right of way.

SEC. 11. Upon such application being made to such judge, he shall appoint three disinterested persons to act as commissioners for the appraisal of all such damages, taking into consideration the advantage as well as the injury to the parties interested in such lands. Said commissioners shall, by public notice, appoint a time and place, and may adjourn, if necessary for hearing the parties, and proceed to examine the lands, ascertain and determine the damages, if any, and under oath impartially and justly to appraise the lands necessary for the use of said company, and faithfully perform their duty to the best of their judgment and ability. They, or a majority of them, shall make up and sign the awards to the parties, embracing a description of the lands and amount of damage to each, and make a report of their proceedings to the judge of the District Court. The commissioners making such appraisal, shall be entitled to pay for their services, at the rate of three dollars per day and ordinary travelling expenses, which shall be paid by said company.

Commissioners to be appointed

Duties.

Pay of commissioners.

SEC. 12. If either party feel aggrieved by such appraisal or award, he may appeal within twenty days after such award is made known, by giving notice to that effect to the opposite party; otherwise both parties shall be bound by the award, and the amount shall be paid, upon application of the persons entitled to receive the same. In case of an appeal, a bond shall be filed for the costs in court, to be paid by the party who shall be entitled to pay the same, as determined by the court aforesaid.

Either party may appeal.

Bond to be filed

SEC. 13. In case of appeal, or disagreement in regard to the damages; the railroad company may occupy, for the purpose of the construction of the road, by giving satisfactory security to

In case of appeal.

the judge of said court for the ultimate payment of the damages so determined.

Penalty for wilfully injuring road.

SEC. 14. If any person shall carelessly, wilfully or maliciously hinder, delay or obstruct the workman, or the passage of trains, or shall place any obstruction on the track, or in any manner injure or destroy any tools, cars or other property of said railroad, or pertaining to it, or aid or abet any person in the commission of such trespass, all such persons shall forfeit and pay said company, agents or servants, treble the damages, that shall be proven by any court, and shall be liable to indictment, and upon conviction shall suffer imprisonment for a term not exceeding five years, in [the] discretion of the court who shall try the same.

Map and profile to be made and filed.

SEC. 15. Said corporation shall, within reasonable time after said road is definitely located, cause a map and a profile to be made of the route of said road, and file the same in the office of the secretary of the Territory.

Of subscriptions to capital stock.

SEC. 16. When fifty thousand dollars shall have been subscribed to the capital stock, and ten per cent. actually paid to the grantees herein named, and a certificate from a majority of them duly authenticated, filed in the office of the secretary of this Territory, they are authorized to organize the company, and open books for further subscription, requiring payments or installments from time to time; and in case of refusal or neglect on the part of stockholders, to make payment as required, the share of such delinquent may, after thirty days public notice, be sold at auction, and the surplus, if any, deducting payments and interest, shall be paid to such stockholders.

Citizens of counties and cities may subscribe to stock.

SEC. 17. When the citizens of any county, incorporated town or city, of this Territory, are desirous of subscribing to the stock of this company, the citizens of such incorporated town, or city or county, are authorized to purchase, subscribe or hold shares, not exceeding three hundred thousand dollars in amount, as shall be determined by the county court, or common council, making such subscriptions in all respects as stock owned by individuals; and such railroad company may dispose of bonds issued for such stock by said county, or council, upon such terms as may be necessary.

Subscriptions to be made in land.

SEC. 18. Subscriptions to the stock of said company may be made in land, in the same manner as in cash, and said company are hereby authorized to hold, purchase and convey the same as they may deem for their interest.

SEC. 19. The company are hereby authorized to issue bonds upon their road, or hold and sell the same, in such amounts, and upon such terms, above or below par, and at such rates of interest as may be determined, which shall be binding upon the parties interested: *Provided, however*, that said bonds shall not be issued for a less sum than five hundred dollars; and *Provided, further*, that whenever said company are indebted for work, material, labor, or otherwise, they may assess their notes or bonds, in such sums, and on such time as may be desired by the creditors, and as shall be provided for by the by-laws of said company.

May issue
bonds.

SEC. 20. The company shall have the power to make such contracts and arrangements with other railroads, which connect with or intersect the same, as may be mutually agreed upon by the parties, for running upon their roads or any part thereof, in connection with roads in any other State or Territory, and shall be empowered to consolidate their property and stock with each other; such consolidations to take place whenever such company shall respectively agree upon the terms and conditions, and shall have all the powers, privileges and liabilities that they may hold by their separate charters, by filing a copy of such articles of consolidation in the office of the secretary of this Territory.

May make con-
tracts with
other railroads
&c.

SEC. 21. The said railroad company may commence the construction of the whole, or any section of the road herein granted, not less than twenty miles in extent.

May commence
road.

This Act to take effect from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER LXXIV.

SUMNER, MANHATTAN AND FORT RILEY RAILROAD COMPANY.

AN ACT to incorporate the Sumner, Manhattan and Fort Riley Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That Marcus J. Parrott, Robert Crozier, C. F.

Names of corporators.

Currier, John P. Wheeler, Samuel Harsh, Levi W. Woods, Ivers Phillips, Albert Barber, Stephen Barnard, Frederick Vogel, B. Rahn, George S. Hillyer, Asa Reynard, Archibald Elliot, D. D. Cone, Caleb May, C. A. Woodwarth, E. P. Lewis, A. G. Patrick, Andrew J. Mead and R. B. Mason, with such other persons as may associate with them for that purpose, are hereby incorporated a body politic and corporate, by the name and style of the Sumner, Manhattan and Fort Riley Railroad Company, and under that name and style shall be capable of suing and being sued, pleading and being impleaded, defending and being defended, in law and equity, in any and all courts and places; may make and use a common seal, and alter or renew the same; be capable of contracting and being contracted with, and are hereby invested with all the powers, privileges, immunities and franchises, and of acquiring, by purchase or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect fully the purposes and objects of this Act.

Powers of company.

May survey construct and complete a railroad.

SEC. 2. The said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks, from the city of Sumner, on the Missouri, via the city of Manhattan, to Fort Riley, in Kansas Territory.

Powers and privileges conferred.

SEC. 3. That all the powers, privileges, rights and provisions of an Act, passed at the present session of this Legislative Assembly, entitled "An Act to incorporate the Saint Joseph, Sumner and Lawrence Railroad Company," be, and the same are hereby conferred upon the said Sumner, Manhattan and Fort Riley Railroad Company, and the said Sumner, Manhattan and Fort Riley Railroad Company, is hereby authorized and empowered to proceed, under the provisions of said charter, as fully and absolutely, as if the same, in the same Act, had been specially applied to the said Sumner, Manhattan and Fort Riley Railroad Company.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXXV.

TOPEKA AND EMPORIA RAILROAD COMPANY.

AN ACT to Incorporate the Topeka and Emporia Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That a company is hereby incorporated, called the Topeka and Emporia Railroad Company, the capital stock of which shall be three million of dollars, to be divided into shares of fifty dollars each, the holders of which, their successors and assigns, shall constitute a body corporate and politic, and by the name aforesaid, shall have continual succession, may sue and be sued, plead and be impleaded, defend and be defended against, and may make and use a common seal, and change and alter the same at pleasure, and shall be able in law and equity, to make contracts ; may take, hold, use, possess and enjoy the fee simple or other title, in and to any real estate, necessary to carry out the provisions of this Act, and no more, and may sell, convey, pledge, mortgage or dispose of the same; may make by-laws, rules and regulations, proper and necessary for carrying into effect the provisions of this Act, not repugnant to the constitution or laws of the United States or of this Territory, and shall have the usual and necessary powers of companies for such purposes.

Name of company.

Powers of company.

SEC. 2. Henry Harvey, C. K. Holliday, E. P. Bancroft, W. Oakley, P. B. Plumb, W. F. M. Army, H. W. Fick, W. A. Phillips, R. B. Mitchell, O. Phillips and G. W. Deitzler, shall constitute the first Board of Directors under this Act, and shall hold their office until their successors shall be qualified. They shall within one year, from the passage of this Act, meet at such time and place as shall be designated by any three of them, and organize as a Board of Directors, and when organized they shall cause books to be opened for subscription, to the capital stock of the said company, at such time and place as they may designate, under supervision of such persons as they may appoint; and may continue them open as long as they may deem proper, and re-open such books when necessary, until the whole stock shall be subscribed.

Names of directors.

SEC. 3. So soon as one thousand shares shall be subscribed, the directors shall cause an election to be held for nine directors, at such time and place as they may appoint, and give notice of the same in three or more public newspapers.

Directors to be elected.

Election to be held, when.

SEC. 4. An election for nine directors shall be held on the first Monday of June in each year, and if not held on that day, an election may be held at any other time that the directors shall designate; the election shall be held under the supervision of three or more stockholders, and the persons receiving the highest number of votes shall be elected, and shall continue in office [until] their successors are qualified, every stockholder shall be entitled to one vote for each share held by him, and he may vote by proxy. Soon after the election, the directors shall meet and elect one of their number as President, who shall hold his office for the term for which he was elected director, and until his successor shall be qualified.

To elect a president.

Directors may appoint officers &c.

SEC. 5. The directors shall appoint agents, clerks, engineers, superintendants, and other officers and servants for said company, and shall keep a journal of their proceedings, and shall cause correct books and accounts to be kept. They may determine by law what number of directors shall constitute a quorum; may appoint committees, fill all vacancies, in any offices under said company, they shall fix the salaries of the President and the officers and the agent, they may take security of their officers and agents, and may adopt such measures, and do such acts as will be best calculated to promote the prosperity and usefulness of said company.

Shall advertise for payment of stock.

SEC. 6. The directors shall make and advertise calls for the payment of the capital stock at such times and in such manner, as they may deem proper, and if any stockholder shall fail to pay any such requisitions within ten days after the time appointed, the said company shall recover the same with interest, and if not collected, may direct the stock forfeited, and sell the same, and no delinquent stockholder shall vote in said company.

Have power to survey and construct a road.

SEC. 7. Said company shall have full power to survey, work, locate and construct, a railroad from the city of Topeka, on the Kansas river, to the town of Emporia on the Neosho river, in this Territory, and for that purpose may hold a strip of land not exceeding two hundred feet in width, with as many sets of tracks as the said president and directors may deem necessary; and may also hold sufficient land for the erection of depots, warehouses and water stations, and may extend branch railroads to any point in any point, in any of the counties through which the said road may be located.

May hold land.

Shall have right of way.

SEC. 8. Said roads shall take voluntary relinquishments of the right of way for said road, and the necessary depots and water

stations ; and if the land through which said road shall pass shall belong to minors in whole or in part, the guardian or curator of such minors, shall have to convey to said company, so much of the land as may be necessary for the purposes aforesaid, on fair and equitable terms ; but every such relinquishment shall be subject to the approval or rejection of the Probate or other court, in which such guardianship is pending. If any owner of any tract of land through which said railroad shall pass, shall refuse to relinquish his right of way for said railroad to said company, or the necessary land for depots, engine or wood-houses, water stations, stopping stages or turnouts, or if the owners be infants or persons of unsound minds, or non-residents of the Territory, the facts of the case shall be specially stated to the judge of the District Court of the county, or presiding judge of the court of common pleas, of the county, as the case may be, in which such lands are situated, and said judge shall appoint three disinterested citizens of the county in which such lands are situated, to view said lands, and shall take into consideration the value of the land, and the advantages and disadvantages of the road to the same, and shall report under oath, what damages will be due to said lands, or any improvements thereon, stating the amount of damages assessed, and shall return a plot of the land thus condemned. Notice of such application to such judge, shall be given to the owner of such land, five days before the making of the application. If such owner be a non-resident of this Territory, he may be served with actual notice, or by an advertisement for four weeks in some public newspaper.

If road cannot obtain right of way.

Viewers to be appointed.

Duties.

Sec. 9. The persons appointed to view and value such land, shall file their report and plat in the office of the clerk of the District Court or Court of Common Pleas, as the case may be, of the county of which the land or a part thereof, is situated ; and if no valid objections be made to said report, the court shall enter judgment in favor of such owner against such company, for the amount of damages assessed, and shall make an order vesting in said company, in fee simple, title of the land in such plat and report described. Objections to such report must be filed within ten days after the same shall have been filed. Said objections shall be examined by said judge in term time or vacation, and he may bear testimony, and by judgment confirm said report, or he may set the same aside, and appoint them other viewers, who shall proceed in the same manner, and make a report until a report is confirmed : *Provided*, that in order that the progress of the work

Viewers shall file report and plat.

Objections must be filed.

Duty of judge.

Proviso.

may not be impeded, that after said owners have filed their report and plat in the office aforesaid, the company after having made a tender of the amount of damages to the person or persons entitled to the same, or made a deposit of the amount with the clerk of the court in which the case may be pending, shall be authorized to proceed in the construction of the work as fully as though no disagreement had arisen. In all such cases the court shall adjudge the costs of the proceedings according to equity, and the court shall have power to make such orders and take such other steps as will promote the ends of justice between the owners of such lands and the said company, and the said viewers shall be entitled to the same fees as are allowed to commissioners in partition under the statute.

May cross other roads, streams, &c.

SEC. 10. Said company may build said railroad along or across any public road or street, and over any stream or highway; but whenever said road shall cross any public road, said company shall keep good and sufficient causeways or other adequate facilities for crossing the same, and said road shall not be so constructed as to prevent the public from using any road, street or highways along or across which it may pass. When any person shall own lands on both sides of said road, said company, when required so to do, shall make and keep in good repair, one causeway or other adequate means of crossing the same.

Shall commence and complete road, when Powers conferred.

SEC. 11. Said company shall commence the construction of said road within three years, and shall complete the same within ten years thereafter, and said company shall have general powers to use, manage, control and enjoy said road, shall determine what kind of carriages shall be used thereon, and by whom and in what manner; and shall determine the terms, conditions and manner in which merchandize, property and passengers shall be transported; and shall have power to construct and keep such turnouts, gates, culverts, toll-houses, depots, ware-houses, causeways and other buildings, machinery and fixtures as may be necessary. Said company may receive such tolls and freight as may be determined upon by the directors, and shall keep posted up in their depots estimates of the rate of tolls and freight charges.

Dividends | when declared.

SEC. 12. Dividends of so much of the profits of said company as shall appear advisable to the directors, shall be declared semi-annually, and be paid to the stockholders, or their legal representatives, on application at the office of said company, at any time after the expiration of ten days from the time of declaring

the same ; but the dividends shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never be impaired thereby ; and if the said directors shall make any dividend which shall impair the capital stock of the company, the directors consenting thereto, shall be liable in their individual capacities, to the company for the amount of capital stock so divided ; and, each director present when said dividend shall be declared, shall be considered as consenting thereto, unless he immediately enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of said dividends.

SEC. 13. At every annual meeting of said company, the directors shall make to the stockholders an exhibit of the affairs and condition of the company ; one-tenth part in interest of all the stockholders may call a meeting by giving four weeks notice in three public newspapers.

An exhibit of the affairs to be made.

SEC. 14. When said road shall be completed, the company shall file a plat thereof in the office of the secretary of this Territory, or of the State as the case may be, and the Legislature may at any time require a statement from the company as to the progress of the work, the amount of business, and the receipts of the company ; and the books and accounts of said company may at any time be investigated by a committee appointed by the General Assembly, and the said corporation shall make an annual report to the Secretary of the Territory, or of the State as the case may be, of the operations of the year ending, on the first day of December, which report shall be verified by the oaths of the treasurer and acting superintendent of operations, and filed in the office of the secretary of the Territory, or of the State as the case may be, by the third Monday in December in each year.

Plat to be filed.

Legislature may require statement &c.

SEC. 15. If any person shall wilfully injure, obstruct or destroy said railroad, or shall break, destroy or deface any work, edifice or other fixtures or improvements belonging to said company, he shall be considered guilty of a criminal offence, and shall be punished in such manner as shall be prescribed by law ; and shall also be liable to said company for all damages by it sustained.

Penalty for injuring or destroying road.

SEC. 16. When any person ceases to be a stockholder, he shall cease to be a member of said company.

Ceasing to be a stockholder.

SEC. 17. The operations of said company shall be confined to the general business of locating, constructing, making and using

Operations how confined.

said railroad, and the acts necessary or proper to carry the same into complete and successful operation.

Stock consid-
ered personal
property.

SEC. 18. The stock of said company shall be considered personal property, and shall be assignable and transferable according to such rules and restrictions as the board of directors shall from time to time make and establish, subject however, to the laws of the Territory or any future State erected out of this Territory, as the same may be made. In case it shall happen at any time, that an election of directors should not be made on any day when pursuant to this Act, or any regulations of said company, it ought to have been made, the said corporation shall not for that cause be deemed dissolved; but it shall and may be lawful on any other day, to make and hold an election of directors in such manner as shall be regulated by the by-laws and ordinances of the company.

May receive
and hold lands,
&c.

SEC. 19. Said company shall have power to receive and hold loans, gifts, grants and donations of land, money or funds, in any quantity, from this Territory, or from any future State erected out of this Territory, or the United States; and may sell, convey, pledge, mortgage or otherwise dispose of said lands, moneys or bonds, or any part thereof, and apply the proceeds of the same to the construction of said railroad.

This Act to take effect and be in force from and [after] its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives

C. W. BABCOCK,

President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXXVI.

WYANDOTT, MINNEOLA AND COUNCIL GROVE RAILROAD COMPANY.

AN ACT to Incorporate the Wyandott, Minneola and Council Grove Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. A company is hereby incorporated, called the Wyandott, Minneola and Council Grove Railroad Company, the capital stock of which shall be five millions of dollars, to be divided into shares of one hundred dollars each, the holders of which, their successors and assigns, shall constitute a body corporate and politic; and by the name aforesaid shall have continual succession, may sue and be sued, plead and be impleaded, defend and be defended against, and may make and use a common seal, and shall be able in law and equity to make contracts; may take, hold, use, possess and enjoy the fee simple or other title in and to any real estate, and may sell and dispose of the same; may make by-laws, rules and regulations proper for carrying into effect the provisions of this Act, not repugnant to the Constitution or laws of the United States, or of this Territory; and shall have the usual and necessary powers of companies for such purposes.

Name of corporation.

Capital stock.

Powers of company.

This Act not to conflict with constitution of U. S.

SEC. 2. Alfred Gray, George S. Park, J. P. Root, J. M. Winchell, Charles Mayo, J. D. Chesut, E. S. Nash, Perry Fuller and J. K. Goodin shall constitute the first board of directors under this Act, and shall hold their offices until their successors shall be qualified. They shall meet at such time and place as shall be designated by a majority of them, and organize as a board of Directors; and when organized, they shall cause books to be opened for subscription of the capital stock of said company, at such times and places as they may designate, under the supervision of such person or persons as they may appoint, and may continue them open as long as they may deem proper, and may re-open such books when necessary, until the whole stock shall be subscribed.

Names of incorporators.

Board of directors. Subscriptions.

SEC. 3. [That] so soon as five hundred shares shall be subscribed, the directors shall cause an election to be held for eight directors, at such time and place as they may appoint and give notice of by newspaper publication.

Directors shall be elected.

SEC. 4. [That] an election for eight directors shall be held on

Election of directors. the second Tuesday of October in each year; and if not held on that day, an election may be held at any other time that the directors may designate. The election shall be held under the supervision of one or more stockholders; and the persons receiving the highest number of votes shall be elected, and shall continue in office till their successors be qualified. Every stockholder shall be entitled to one vote for each share held by him, and he may vote by proxy. Soon after their election, the directors shall meet and elect one of their number president, who shall hold his office for the term for which he was elected director, and until his successor shall be qualified.

President of directors.

Duties of directors.

SEC. 5. The directors shall appoint agents, clerks, engineers, superintendents, and other officers and servants for said company; shall keep a journal of their proceedings; shall cause correct books and accounts to be kept. They may determine by by-laws what number of directors shall constitute a quorum, and may appoint committees, and fill all vacancies in any office under said company; they shall fix the salaries of the president, and the officers and agents; but no director shall receive any compensation for his services as such. They may take security from their officers and agents, and may adapt such measures and do such acts as may be calculated to promote the prosperity and usefulness of said company.

Of payment of subscriptions.

SEC. 6. The directors shall make and advertise calls for the payment of the capital stock, at such times and in such manner as they shall deem proper; and if any stockholder shall fail to pay any such requisition within ten days after the time appointed, the said [company shall] recover the same with interest, and if not collected may direct the stock [to be] forfeited, and sell the same; and no delinquent stockholder shall vote in said company.

Company have power to survey, &c.

SEC. 7. [That] said company shall have full power to survey, work, locate and construct a railroad, from the west bank of the Missouri river, in the city of Quindaro, in this Territory, and from thence southwesterly to the town of Wyandott, Olathe, Mineola, with the privilege of extending the same to the western boundary of the Territory, and for that purpose may hold a strip of land, not exceeding one hundred feet in width, with as many sets of tracks, as the said president and directors may deem necessary: *Provided*, that in passing hills and valleys, the said company are authorized to extend said width, in order to effect said object; and also may hold sufficient land for the erection of depots, warehouses and water stations, and may extend branch

Proviso.

railroads to any point in any of the counties through which the said road may be located ; and said company shall have power to construct a branch road or roads, from any point on the main trunk of said road to any point on the Pacific, or any point or points toward the boundaries of Kansas Territory. No discrimination shall be made between the main trunk of said railroad and the branches connecting with the same, in regard to the rates of passage and the charges for freight over the same.

May extend branch rail roads.

SEC. 8. Said company shall take voluntary relinquishments of the right of way for said road, and the necessary depots and water stations ; and if the land through which said road shall pass shall belong to minors in whole or in part, the guardian or curator of such minor shall have power to convey to said company so much of the land as may be necessary for the purposes aforesaid, on fair and equitable terms ; but every such relinquishment shall be subject to the approval or rejection of the Probate or other courts in which such guardianship is pending. If any owner of any tract of land, through which said railroad shall pass, shall refuse to relinquish his right of way for said railroad, for said company, or the necessary land for depots, engine or wood houses, water stations, stopping stages or turnouts ; or if the owners be infants, or persons of unsound mind, or non-resident of the Territory, the facts of the case shall be specially stated to the judge of the District or other court of the county, or the presiding judge of the Court of Common Pleas of the county, as the case may be, in which said lands are situated, and said judge shall appoint three disinterested citizens of the county in which the lands are situated, to view said lands, who shall take into consideration the value of the land, and the advantages and disadvantages of the road to the same, and shall report, under oath, what damages will be done to said lands or any improvements thereon, stating the amount of damages assessed, and shall return a plat of the lands thus condemned. Notice of such application to such judge shall be given to the owner of such land five days before the making of the application, if he reside in this Territory, or to his guardian ; and if such owner be a non-resident of this Territory, he may be served with actual notice, or by an advertisement for four weeks in some public newspaper.

May have right of way. &c.

Of lands of minors.

If owner of land refuse right of way.

Viewers appointed.

Duties.

SEC. 9. The persons appointed to view and value such lands, shall file their report and plat in the office of the clerk of the District Court or Court of Common Pleas, as the case may be, of the county in which the land, or a part thereof, may be situ-

Shall file report and plat.

Court shall enter judgment in favor of owner.

Objections when filed.
Duties of judge

Proviso.

May cross other roads.

When commenced and completed.

General powers granted.

ated; and if no valid objection be made to such report, the court shall enter judgment in favor of such owner, against said company, for the amount of damages assessed, and shall make an order, vesting in said company, in fee simple, title of the land in such plat, as report described. Objections to such report must be filed within ten days after the same shall have been filed. Said objections shall be examined by said judge in term time or vacation; and he may hear testimony and by judgment confirm said report, or he may set the same aside, and appoint three other viewers, who shall proceed in the same manner, and make a report, until a report is confirmed: *Provided*, in order that the progress of the work may not be impeded, that after said owners have filed their report and plat in the office aforesaid, the company, after having made a tender of the amount of damage to the person or persons entitled to the same, or made a deposit of the amount with the clerk of the court in which the case may be pending, shall be authorized to proceed in the construction of the work as fully as though no disagreement had arisen. In all such cases, the court shall adjudge the cost of the proceedings according to equity; and the court shall have power to make such orders, and to take such other steps as will promote the ends of justice between the owners of such land, and the said company; and the said viewers, shall be entitled to the same fees as are allowed to commissioners in partition under this statute.

SEC. 10. Said company may build said road along or across any public road or street, or wall of any town or city, and over any stream or highway; but whenever said road shall cross any public road, said company shall keep good and sufficient causeways, or other adequate facilities for crossing the same; and said road shall not be so constructed as to prevent the public from using any road, street or highway along or across which it may pass; and when said road shall be built across any navigable stream, said company shall erect a bridge sufficiently high on which to cross, or shall construct a drawbridge, so that in no case shall the free navigation of such stream be obstructed. When any person shall own lands on both sides of said road, said company, when required so to do, shall make and keep in good repair one causeway, or other adequate means of crossing the same.

SEC. 11. Said company shall commence the construction of said road within five years, and shall complete the same within twelve years thereafter; and said company shall have general power to use, manage, control and enjoy said road; shall deter-

mine what kind of carriages shall be used thereon, and by whom, and in what manner, and shall determine the terms, condition and manner in which merchandize, property and passengers shall be transported, and shall have power to construct and keep such turnouts, gates, culverts, toll houses, depots, warehouses, causeways, and other buildings, machinery and fixtures as may be necessary. Said company may receive such tolls and freights as may be determined upon by the directors, and shall keep posted up in their depots estimates of the rates of toll and freight charges.

SEC. 12. Dividends of so much of the profits of said company as shall be advisable by the directors, shall be declared semi-annually, and be paid to the stockholders or their legal representatives on application at the office of said company, at any time after the expiration of ten days from the time of declaring the same. But the dividends shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never be impaired thereby; and if the said directors shall make any dividend which should impair the capital stock of the company, the directors consenting thereto shall be liable in their individual capacities to the company for the amount of the capital stock so divided, and each director present when such dividend shall be declared, shall be considered as consenting thereto, unless he immediately enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend.

Of dividends, when declared, &c.

SEC. 13. At every annual meeting of said company, the directors shall make to the stockholders an exhibit of the affairs and condition of the company. One tenth part in interest of all the stockholders may call a meeting, by giving four weeks notice in two public newspapers.

Directors to make exhibit of the affairs, &c.

SEC. 14. When said road shall be completed, the company shall file a plat thereof in the office of the secretary of the Territory, or of the State or States, as the case may be, and the Legislature may, at any time, require a statement from the company, as to the progress of the work, the amount of the business, and the receipts of the company; and the books and accounts of said company may at any time be investigated by a committee appointed by the General Assembly, and the said corporation shall make an annual report to the secretary of the Territory, or of the State or States, as the case may be, of the operations of the year ending on the first day of December, which report

Upon completion of road.

Legislature may require statement, &c.

Annual report to be made.

Nature of report.

shall be verified by the oaths of the treasurer and acting superintendent of operations, and filed in the office of the secretary of the Territory, or of the State or States, as the case may be, on the third Monday of December, in each year, and shall state, first, the capital stock, and the amount actually paid in; second, the amount expended for the purchase of land, for the construction of the road, for buildings and for engines and cars, respectively; third, the amount and nature of its indebtedness, and the amount due the corporation; fourth, the amount received for the transportation of passengers, of mails, of property, and from all other sources; the amount of freight, specifying the quantity of tons of the products of the first, of animals, of vegetables, food, other agricultural products, manufactures, merchandize, and other articles; sixth, the amount paid out for repairs; seventh, the number and amount of dividends, and when made; eighth, the number of engineers, hands and shops, of engines and cars, and their character; ninth, the number of miles run by passenger, freight and other trains, respectively; tenth, the number of men employed, and their occupations; eleventh, the number of persons injured, in life or limb, and the cause of such injuries; twelfth, whether any accidents have arisen from carelessness or negligence of any person in the employment of the corporation, and whether such person is retained in the service of the corporation.

County courts may subscribe to stock of said company.

SEC. 15. It shall be lawful for the county court of any county in which any part of the route of said road may be, to subscribe to the stock of said company; and it may invest its funds in the stock of said company, and issue the bonds of such county to raise funds to pay the stock thus subscribed, and to take proper steps to protect the interest and credit of the county. Such county court may appoint one agent to represent the county, vote for it, and receive its dividends; and any incorporated city, town or incorporated company, may subscribe to the stock of the company, and appoint one agent to represent its interest, and give its vote, and receive its dividends, and may take proper steps to guard and protect the interests of such city, town or corporation.

Company shall keep record of expenses, &c. State may purchase road, when.

SEC. 16. Said company shall keep a fair record of the whole expense of constructing said road, and at the end of fifty years, the State or States through which the said road shall pass shall be at liberty to purchase said road, by paying to said company the amount at which it shall be valued, by persons to be mutu-

ally chosen by the State and by the said company ; but two years notice shall be given to said company of the intention of the State to purchase said road.

SEC. 17. When any person ceases to be a stockholder, he shall cease to be a member of said company.

Persons ceasing to be stockholders.

SEC. 18. If any person shall wilfully injure, obstruct or destroy said railroad, or shall break, destroy or deface any work, edifice, or other structure or improvement, belonging to said company, he shall be considered guilty of a criminal offence, and shall be punished in such manner as shall be prescribed by law, and shall be liable to said company for all damages by it sustained.

Any person wilfully injuring road, &c.

SEC. 19. The operations of said company shall be confined to the general business of locating, constructing, making and using said railroad, and the acts necessary and proper to carry the [road] into complete and successful operation.

Operations, how confined.

SEC. 20. The stock of said company shall be considered personal property, and shall be assignable and transferable, according to such rules and restrictions as the board of directors shall from time to time make and establish, subject however to the laws of the Territory, or any future State created out of this Territory, as the same may be made. In case it shall happen, at any time, that an election of directors shall not be made on any day, when, pursuant to this Act or any regulations of said company, it ought to have been made, the said corporation shall not for that cause be deemed dissolved ; but it shall and may be lawful on any other day to make and hold an election for directors, in such manner as shall be regulated by the by-laws and ordinances of the company.

Stock considered personal property. Of transfer of stock.

SEC. 21. Said company shall have power to receive and hold loans, gifts, grants and donations of land, money or bonds in any quantity from this Territory, or from any future State created out of this Territory, or the United States, and may sell, convey, pledge, mortgage or otherwise dispose of said lands, money or bonds, or any part thereof, and apply the proceeds of the same to the construction of said railroad.

Have power to hold land, &c.

This Act shall take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER LXXVII.

CITY OF ATCHISON.

AN ACT to Incorporate the City of Atchison, Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Boundaries.

SECTION 1. That all that district of country described as follows, to wit: Beginning at the point in the Missouri river, in the middle of the main channel, opposite to where the northern boundary line of the south half of fractional section thirty-one, (31,) township five (5,) south, range twenty-one (21,) east, strikes the Missouri river; running thence a westerly course about one and one-half mile, to the north-west corner of the south-west quarter of section thirty-six, (36,) township five (5,) south, range twenty (20,) east; thence a southerly course about five-eighths of one mile, to a point four hundred and twenty (420,) feet south of the south-west corner of the same, thence easterly about one-half mile, to a point four hundred and twenty (420,) feet south of the north-west corner of section six, (6,) township six (6,) south, range twenty-one (21,) east; thence southerly to the south-west corner of the north fractional half of fractional section six, (6,) township six (6,) south, range twenty-one (21,) east, about one-half mile; thence along the south boundary line of said fractional half section, to the middle of the main channel of the Missouri river; thence northerly up said Missouri river, in the middle of the main channel thereof, to the place of beginning, and including the south half of fractional section thirty-one, (31,) township five (5,) south, range twenty-one (21,) east, the south half of section thirty-six, (36,) township five (5,) south, range twenty (20,) east, and the fractional north half of fractional section six, (6,) township six (6,) south, range twenty-one east, and four hundred and twenty (420,) feet off north side of the north of the north-east fractional quarter section one, (1,) township six (6,) south,

Incorporated.

range twenty east, is hereby erected into a city by the name of the City of Atchison, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name and style of the City of Atchison, and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; may

contract and be contracted with; may purchase, receive and hold ^{Powers.} property, both real and personal, within said city, and may sell, lease, or otherwise dispose of the same for the benefit of the city; may purchase, receive and hold property, real, personal and mixed, beyond the limits of the city, to be used for the burial of the dead, for the erection of water-works to supply the city with water, for the establishment of a hospital for the reception of persons afflicted with contagious or other diseases, or for the erection of a poor-house and farm, or work-house, or house of correction, or for any other purpose which may tend to the general good of the city, and may erect buildings or other improvements for the purposes aforesaid; and may sell, lease, or otherwise dispose of such property for the benefit of such city, and may do all other acts as natural persons, and may have a common seal and change the same at pleasure.

SEC. 2. That the corporate powers and duties of said city, ^{Officers.} shall be vested in a mayor and board of councilmen, who shall be chosen as hereinafter directed.

SEC. 3. That the board of councilmen shall consist of mem- <sup>Wards, for elec-
tion purposes.</sup> bers, for the election of whom the city shall be divided into convenient wards, by ordinance, which wards may be altered from time to time, or new ones created, as the convenience of the inhabitants may require, and the councilmen shall be apportioned among the several wards, in proportion to the qualified voters in each; but in the election of the first board of councilmen, the whole city shall vote for nine councilmen by general ticket.

SEC. 4. That the councilmen shall be chosen by the qualified ^{Councilmen.} voters of their respective wards, shall serve for the term of one year, and until their successors are elected and qualified; shall be at least twenty-one years of age, citizens of the United States, and shall have resided in said city for at least sixty days next preceding their election; and whenever there shall be a tie in the election of councilmen, it shall be determined by the judges of the ward in which it shall happen, by lot; and all vacancies shall be filled by election as aforesaid, in such manner as shall be provided by ordinance: *Provided*, that until otherwise provided, in case of vacancy, the mayor shall issue his proclamation ordering an election, prescribing the time, place and manner of holding such election.

SEC. 5. That the board of councilmen shall elect all their offi- <sup>Duties of
Councilmen.</sup> cers, agents and servants of their board, not otherwise provided for; shall judge of the qualifications, elections and returns of

their own members; a majority of the whole number shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as the board may provide; they may determine the rules and regulations of their proceedings, punish their members for disorderly conduct, and, by a concurrence of two-thirds of their whole number, expel a member, but not a second time for the same offence; and they shall, at any time, upon the request of any member, cause the yeas and nays to be called and entered upon the journal.

Stated meetings.

SEC. 6. That the board of councilmen shall hold their stated meetings on such days and times as shall be fixed by ordinance; but there shall not be exceeding six regular meetings in any one year, and they may adjourn their stated and other meetings from time to time, and may, by ordinance, change the time of holding their regular meetings.

Mayor.

SEC. 7. That the mayor shall be elected by the qualified electors of the city, shall hold his office for the term of one year, and until his successor is duly elected and qualified; and when two or more persons shall have an equal number of votes for mayor, the election shall be determined by the board of councilmen, by lot.

Qualifications.

SEC. 8. That the mayor shall be at least twenty-one years of age, a citizen of the United States, shall have resided in the city at least three months next preceding his election, and be otherwise qualified as required in case of councilmen.

Duties of.

SEC. 9. That the mayor shall preside at all meetings of the city councils, and shall have a casting vote when the council shall be equally divided, and none other; by and with the consent of the board of councilmen, shall have power to fill all offices within the city, which are not ordered by law, or ordinance, to be elected or otherwise appointed. The mayor shall take care that the laws of the Territory, and the ordinances of the corporation, are duly enforced, respected and observed within the limits of said city. He shall have power, with the consent of the board of councilmen, to remove from office any person holding office created by ordinance, to remit fines and forfeitures, to grant reprieves and pardons. He shall be a conservator of the peace within the city and within the county in which said city is located; he shall have power to fill all vacancies which may happen in any office, (other than that of councilman,) until the end of the session of

the board of councilmen which shall occur next after such vacancy; he shall, from time to time, give to the board of councilmen information relative to the situation of the affairs of the city; and shall recommend to their consideration such measures as he shall deem expedient for the welfare of the city; he may, on extraordinary occasions, convene the board of councilmen by proclamation, stating to them, when assembled, the object for which they were convened; and shall have power, whenever he deems it necessary, to require any officer of the city to exhibit his accounts, books or other papers, and to make report in writing to the mayor and board of councilmen, touching any subject or matter pertaining to his office.

SEC. 10. That when any vacancy shall happen in the office of **Vacancy:** mayor by death, resignation, absence from the city, removal from office, refusal to qualify or otherwise, or when the mayor shall be party interested, or put upon his trial for any violation of law or ordinance, the president of the board of councilmen, for the time being, shall exercise the office of mayor until such vacancy shall be filled, or such disability be removed, or in case of temporary absence, until the mayor shall return; and during the time, he shall receive the same compensation as the mayor would have been entitled to; and in case of such vacancy other than a temporary absence or disability, the person exercising the office of mayor shall cause a new election to be had, giving ten days notice thereof by proclamation.

SEC. 11. That the mayor and board of councilmen shall have **Taxes.** power, by ordinance, to levy and collect taxes, not exceeding one per centum, upon real and personal property, within the city, and upon property, lands, lots, interests or shares held, owned or claimed by any person or persons, company, firm, association or corporate body, whether the title of the United States thereto be extinguished or not, upon the assessed value thereof, and all moneys on hand or on deposit, bills of exchange, bonds, notes and other securities held upon solvent persons or corporations, over and above the just debts or liabilities of the owner or holder thereof; to levy and collect a poll tax, not exceeding one dollar per annum, upon every free male person over twenty-one and under fifty-five years of age; to levy and collect a special tax on the holders of the lots in any street, lane, alley or avenue, according to their respective fronts, owned by them, for the purpose of grading and improving the same, for curbing and paving the sidewalks, and lighting such street, lane, avenue or alley; to

General powers.

levy and collect a tax on dogs, not exceeding five dollars each per annum, and to provide for the granting of licenses for the keeping of dogs within the city, if deemed proper; to prevent and remove nuisances; to establish night watches and patrols; erect lamps in the streets and light the same; to provide for licensing, taxing and regulating auctioneers, merchants, grocers, confectioners, taverns, pedlars, bankers, brokers, dram shop keepers, liquor sellers, pawnbrokers, ordinaries, shows and exhibitions for pay, billiard tables, ball and ten pin alleys, (or any number of pins the same may have,) hacks, drays, wagons, or other vehicles used within the city for pay; to restrain, prohibit, or suppress tipping houses, dram shops, and the sale of spirituous liquors, ball and ten pin alleys, gaming and gaming houses, bawdy and other disorderly houses, and all kinds of public indecencies; to prevent riot and disturbances of citizens; to prevent the assembling of slaves; to prevent the discharge of fire-arms, the unnecessary rapid riding or driving of any horse, mule or other animal; to establish and regulate markets; to open, alter, clean, grade, pave and keep in repair streets, sidewalks, alleys, avenues, lanes, drains and levies; to supply the city with water; to provide for regulating and keeping standard weights and measures, for the use of the city; to regulate the cleaning of chimneys and fix the fees therefor; to provide for preventing and extinguishing fires; to regulate the size of bricks to be made and used in the city; to provide for the inspection of all kinds of produce, provisions, fuel, lumber and other materials for building, and to define the weight and measure thereof, if sold or offered for sale in the city; to regulate the storage of gun-powder and other combustible materials; to regulate and order the building of parapet walls and partition fences; to erect pumps in the streets and other places, for the convenience of the inhabitants; to provide for taking the census of the city; to provide for the election of city officers and their compensation; for deciding contested elections; for removing officers of the city for misconduct, and for the appointment of officers not provided for in this charter, and fixing the duties and compensation of the same; to provide for the construction and repair of sidewalks, and for curbing and cleansing the same at the expense of the expense of the owners, occupants or claimants of the ground or lot fronting thereon, and in default of payment of the same and costs, [to sell the property assessed]; to regulate, restrain and prevent the erection of wooden buildings in any part of the city,

and to regulate and prevent the carrying on of manufactories dangerous in causing or producing fires; to make regulations to secure the general health of the city; to prevent the introduction or spread of contagious or infectious diseases, and to make quarantine laws for this purpose, and to enforce the same within five miles of the city; to erect, establish and regulate hospitals, workhouses, poorhouses, prison houses, and all other necessary buildings for the use of the city, and provide for the government and support of the same; to borrow money on the credit of the city, and to issue the bonds of the city for money due or to become due; to appropriate money, and to provide for the payment of the debts of the city; to provide for the improvement of the public roads and highways leading into and out of the city, within five miles of the center of the city; to impose fines, penalties and forfeitures, on the owners and masters of slaves suffered to go at large upon the hiring of their own time, or to act or deal as free persons; and to tax, restrain, regulate and prescribe the terms upon which free negroes and mulattoes shall be permitted to reside within the city; to regulate the police of the city, and to impose fines, forfeitures and penalties for the breach of any ordinance, and also for the recovery and collection of the same, and in default of payment, to provide for confinement in the city prison, or workhouse, or at labor on the streets, or both; to pass all ordinances that may become necessary to carry [the] provisions of this charter into effect, and also to pass any ordinance, usual or necessary for the well-being of the inhabitants, and to pass and provide for the enforcement of any and all ordinances which may be deemed right and proper, not inconsistent with the constitution of the United States and the Organic Act of Kansas Territory: *Provided*, that nothing herein contained shall be so construed as to authorize the passage of any ordinance which shall tax the wearing apparel, necessary tools or implements of any person used in carrying on his trade, or the books or drugs of any professional man necessarily used in the exercise of his profession, or the imposition of any tax upon the government of the United States or the Territory of Kansas, or the laying of any tax upon any exhibitions which are purely literary or artistic; nor shall anything be subject to sale or distress, for taxation, or for the payment of any penalty or costs, which may not, for the time being, be subject to sale under execution by the then existing laws of Kansas Territory.

SEC. 12. That the mayor and councilmen shall have power Streets.

to extend, open and widen any street, avenue, alley or lane, at their discretion, at any place within the city; making, however, the person or persons whose property may be injured thereby, adequate compensation therefor, to be determined by the assessment of five disinterested householders of Kansas Territory, not residents of the city, who shall be selected and compensated as may be prescribed by ordinance, and who shall, in the discharge or their duties, act under oath faithfully and impartially, to make the assessment to them submitted, considering the benefit resulting from, as well as the loss sustained by the owner of the property.

Ordinances.

SEC. 13. That any ordinance passed by the board of councilmen shall, before it becomes a law, be presented to the mayor for his approval; if he approves it, he shall sign it under his endorsement of approval; if not, he shall return it, with his objections, to the board, who shall reconsider the same, and if, notwithstanding the objections of the mayor, [it shall be passed] by two-thirds of the whole number of councilmen, it shall become a law; and in all such cases the yeas and nays shall be entered on the journal; and if any ordinance, presented to the mayor for his approval, shall not be returned to the board within three days after it has been delivered to the mayor, the same shall become a law as fully as if he had signed it.

The same.

SEC. 14. That the style of all ordinances shall be, "Be it ordained by the mayor and councilmen of the city of Atchison;" and all ordinances shall, within one month after they are passed, be published in some newspaper printed within the city, or by ten written or printed handbills, posted up at as many public places, or in pamphlet form, to be distributed or sold, as may be provided for by ordinance: *Provided*, however, that the failure to publish any ordinance, as herein prescribed, shall not render void such ordinance.

Register.

SEC. 15. That the mayor and councilmen shall appoint a city register, who shall hold his office for one year, and until his successor is appointed and qualified, unless sooner removed, who shall give bond with sufficient security, to be approved by the mayor, in such sum as may be prescribed by ordinance, conditioned for the faithful discharge of the duties of his office; he shall perform all the duties of clerk of the board of councilmen; shall keep a book or books, wherein shall be entered all the proceedings of the board, and all the records of the city, which books shall, at all proper times, be open for the inspection of the

citizens; and he shall have and preserve in his office all records, public papers and documents belonging to the city, and shall perform such other duties as may be enjoined on him by ordinance; he shall also be the keeper of the city seal, and affix it to all papers and documents as may be required by ordinance: *Provided*, he may perform all or any of his duties by deputy, Deputy. by him duly appointed, which appointment shall be approved by the mayor before it is perfected; and all acts done by such deputy, shall be in the name of his principal, and such register shall be responsible for all the acts of his deputy.

SEC. 16. The mayor, councilmen, and all other officers of the city, shall, before entering upon the discharge of the duties of their several offices, take and subscribe an oath before some judge, clerk, justice of the peace, or some other person authorized to administer oaths, to support the constitution of the United States, the Organic Act of Kansas Territory, and faithfully to discharge the duties of their office. Take an oath.

SEC. 17. That the mayor and board of councilmen shall appoint a marshal, who shall hold his office one year, and until his successor shall be appointed and qualified, who shall possess the same qualifications as the other city officers, and who shall, before entering upon the discharge of the duties of his office, enter into bond to the city of Atchison, in such penalty and with such security as may be prescribed by ordinance, or such as may be required by the mayor, conditioned to faithfully discharge the duties of his office, and faithfully account for all moneys that shall come into his hands, as marshal, which bond shall be filed and recorded in the office of the city register. Said marshal shall execute all writs and processes to him directed by the mayor, or any justice of the peace, or other judicial officer, and return the same according to the commands of such writs or processes, within the limits of the city. He shall be collector of the city revenue, he shall perform such duties as may be prescribed by ordinance, and shall also possess all the powers and duties of constable, and he shall be entitled to the same fees as the constable of a township by the laws of the Territory: *Provided*, that all writs in the hands of said marshal, for the arrest of any person for any offence against the city ordinances, or the laws of the land, may be executed in any part of the county in which the city of Atchison may be situated. Marshal.

SEC. 18. That when any real estate or possessory right or claim to lot or land shall be sold for taxes, the owner may re- Lands sold for taxes.

claim the same at any time within two years, by paying to the purchaser the full amount of the purchase money, and all taxes subsequently paid thereon, and all costs and charges thereon, together with twenty per centum per annum on the same.

Publication. SEC. 19. That the mayor shall publish, or cause to be published, on the first day of March of each year, a full and complete statement of all moneys received and expended during the past year, and on what account received and expended, which statement shall be inserted three successive weeks in some paper published in the city, or by ten written or printed handbills set up in as many public places.

Compensation. SEC. 20. That the mayor, councilmen, and other officers of the city shall receive such fees or compensation for their services as shall be provided by ordinance.

Fire companies. SEC. 21. That the mayor and councilmen shall have power to organize and establish fire companies in the city, and to pass ordinances governing and controlling the same, and the members of such company shall be exempt from military duty in time of peace, and from serving on juries.

Mayor's jurisdiction. SEC. 22. That the mayor shall have exclusive original jurisdiction of all cases arising under this Act, and under all the ordinances of this city; he shall have concurrent jurisdiction with each and every justice of the peace; shall have all the powers, rights, privileges, jurisdiction and immunities, and be subject to all the duties of justice of the peace, both in civil and criminal cases, arising under the laws of the United States, or the laws of this Territory, within the corporate limits of the city of Atchison, subject to an appeal or *certiorari*, as allowed from justices' courts by the laws of the Territory; and the mayor shall receive the same fees as are, or may be allowed to justices of the peace. He shall have power to issue writs, or executions, directed to the marshal or any constable, and shall hold a regular court, at such time as he may designate, once in each month; and for the transaction of business arising under the city ordinances, shall hold a court whenever occasion may require.

Judgments. SEC. 23. That the mayor, on demand of any person in whose favor he shall have rendered judgment, shall give to such person a certified copy of such judgment, and the clerk of the District Court, upon application, shall file and record in his book of judgment such copy, and shall note the date of such filing in office of the clerk of the District Court, which shall be a lien upon real estate of the defendant in such judgment, throughout

the county in which the city of Atchison may be or is situated, to the same extent and with the same effect as a judgment of said District Court, and shall be equally under the control of said District Court; may be renewed by *sciens facias*, and carried into execution in the same manner and with the like effect as the judgment of said District Court; and executions issued thereon, may be directed to any officer, and executed in any county in the Territory.

SEC. 24. That the citizens of the city of Atchison shall be exempt from working on any road beyond the limits of the city, and from paying a road tax for the construction or repair of roads outside the city limits. Exemption.

SEC. 25. That at the first meeting of the city council, after any general election, the board of councilmen shall cause to be made out and certified by the register, the election and qualification of mayor; and within ten days thereafter he shall cause the same to be recorded in the recorder's office of the county in which the city is situated. A neglect to qualify and record as aforesaid, shall be deemed a refusal to accept; and the mayor shall be authorized to administer oaths, to take acknowledgments of deeds and mortgages, to take depositions and other instruments of writing affecting the titles of lands in the Territory, and certify the same under the seal of the city, which shall be received as good and valid throughout the Territory. Qualification.

SEC. 26. That the mayor and aldermen are hereby authorized to call on every male inhabitant over the age of twenty-one years, to aid him in enforcing the laws and ordinances, and in case of riot, to call out the militia, and to aid them in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call, shall forfeit to the city a fine not exceeding five hundred dollars. Posse comitatus.

SEC. 27. That any officer of the city, who shall be guilty of any wilful or corrupt violation of duty, or omission to discharge his duties, or any flagrant misdemeanor, may be impeached and tried by the city council, and removed from office by a majority of all the members of the board. Impeached.

SEC. 28. That all ordinances of the board may be proved by the certificate of the city register, with the seal of the city affixed thereto; and when printed or published in a book or pamphlet form, purporting to be published by authority of the city, shall be read and received as evidence in all courts and places without further proof. Authentication of ordinances.

Public act.

SEC. 29. That this Act is declared to be a public Act, and may be used as evidence in all courts of law and equity in this Territory without further proof.

Railroads.

SEC. 30. That the city of Atchison, as hereby incorporated, shall have power to subscribe for stock in any railroad company proposing to build a railroad leading to or from said city of Atchison, in Kansas Territory, or opposite to said city on the bank of the Missouri river, in the State of Missouri: *Provided*, that the stock subscribed for and not actually paid in, shall not any time exceed two hundred thousand dollars, and *provided* that said city shall not subscribe for more than one hundred thousand dollars of such stock in any one year: *Provided*, also, that said city shall not subscribe for any such stock, at any time, until a proposition for thus subscribing shall have been submitted to a vote of the qualified voters in said city, and if a majority of the votes polled approve of the proposition, the stock may be subscribed; otherwise, it shall not be.

Bonds.

SEC. 31. That, in order to carry out the provisions of the preceding section, the bonds of said city may be issued for said railroad stock, or for the loan of money to pay for the same, bearing interest at the rate of ten per cent. per annum, and the authorities of said city may, by ordinance or otherwise, provide for subscribing for said railroad stock, or issuing the bonds of the city to raise said funds, in any manner they may deem proper; and in order to the accomplishing said purposes, may appoint agents, or do and perform any other act deemed advisable to carry into effect this and the preceding section.

Annual election.

SEC. 32. The annual election of mayor and councilmen shall be held on the first Monday of September, each year, the first annual election being held on the first Monday of September, A. D. 1858. The mayor and councilmen elected at the first election, as provided for in this Act, shall hold their offices until the first Monday of September, A. D. 1858, and until their successors shall be qualified.

Take oath.

SEC. 33. That the mayor and councilmen shall, within ten days after their election, take an oath before some officer qualified by law to administer oaths, faithfully to discharge the duties of their offices.

Extension of boundaries.

SEC. 34. That whenever a majority of the inhabitants of any piece, parcel, tract or lot of land, adjoining or adjacent to the said city of Atchison, hereby incorporated, shall petition the authorities of said city of Atchison to be included within the

corporate limits of said city of Atchison, said authorities may, by ordinance, declare said inhabitants and the land designated, to be a part and parcel of said city, which ordinance shall be in force in thirty days after the publication of the same, as other ordinances are published.

SEC. 35. That a special election shall be held in the town of Atchison as soon after the passage of this Act as may be consistent, to be determined by the judges of election hereinafter provided to take the sense of the qualified voters thereof upon the question, whether they will accept this charter of incorporation, hereby conferred upon them, or not. At said election, polls shall be opened at the usual place of voting in said town, which shall be headed as follows, respectively: "Charter," "No charter."

Special election.

SEC. 36. That Luther C. Challis, Samuel H. Petfish, and Dr. C. A. Logan, of the town of Atchison, are hereby appointed judges of election to hold the said election, and they shall give at least ten days notice of said election, by ten written or printed notices put up at ten public places in said town, and such judges shall take an oath before some one authorized to administer oaths, faithfully and impartially to discharge their duties as judges of the election, which shall be certified to and filed in the office of the clerk of the Probate Court of Atchison county, and if any of said judges shall, from any cause, fail to attend, the judge, or judges, attending, shall supply such vacancy.

Judges.

SEC. 37. That if a majority of the said voters shall vote for the said charter, then the same judges of election shall proceed as soon as practicable, to hold the first election for a mayor and board of councilmen, under the provisions of said charter, in the same manner and after giving the same notices as are herein provided for the special election; and such judges shall give to each of the persons elected, mayor or councilman, a certificate of his election.

Acceptance of charter.

SEC. 38. That all free male persons of the age of twenty-one years, and who shall have resided within the limits of the city of Atchison for three months next preceding an election, shall be entitled to vote at all elections of town or city officers, and no property qualifications shall be required of any person to render him eligible to any office in the aforesaid city of Atchison.

Voters.

SEC. 39. That all Acts and parts of Acts inconsistent with this Act, are hereby repealed.

Acts repealed.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXXVIII.

CITY OF ELWOOD.

AN ACT to Incorporate the City of Elwood.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Boundaries of city of Elwood.

SECTION 1. That the corporate limits of the city of Elwood, shall commence at a point on the Missouri river on the section line between sections twenty-five (25) and twenty-six (26,) township No. 8, south of range No. 22, east of the 6th principal meridian, running thence due south on said line to the Missouri river, thence up said river following the meanderings of the same to the place of beginning.

Names of trustees.

SEC. 2. That David S. Lusk, W. S. Lewis, E. Russell, F. B. Ellsworth, J. B. Chaffee, A. S. Lee, or a majority of them, are hereby made and constituted a board of trustees for the organization and government of said city, with all the powers conferred on corporate bodies, by any law now or hereafter to be enacted within this Territory; and such board of trustees shall have power to fill any vacancy that may occur in their board.

Powers conferred.

Powers, privileges, &c., of an act incorporating Leavenworth city, conferred.

SEC. 3. That all the powers, privileges, rights and provisions of an act passed at the Legislative Assembly in 1855, entitled "An Act to incorporate the city of Leavenworth," be, and are hereby conferred on the city of Elwood, and the said city of Elwood is hereby authorized and empowered to proceed under the provisions of said charter as fully and absolutely as if the same had been in the same act specially applied to the said city of Elwood.

Section 3 of Leavenworth charter applied

SEC. 4. That so far as the section 3, in the Leavenworth charter, applies to the city of Elwood, shall be, and is hereby amended so as to consist of six members of councilmen instead of nine.

SEC. 5. That so far as section 18 in the Leavenworth charter applies to the city of Elwood, it shall be, and is hereby amended by inserting one hundred per cent. per annum instead of twenty. Section amended.

SEC. 6. That an act entitled "An Act to incorporate the city of Roseport," January 28, 1857, be and the same is hereby repealed. Act repealed.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 11, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER LXXIX.

GEARY CITY.

AN ACT to Incorporate Geary City.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That all that Territory embraced within the following legal subdivisions, to wit: The south-east and the south-west fractional quarters of section twenty-six, and the east half of the south-east quarter in township four (4) of range twenty-one, shall be known and called Geary City, and the inhabitants thereof are hereby constituted a body politic by the name of Geary City, and by that name shall be known in law, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions, pleas and matters whatsoever, may grant, purchase, hold and receive property, real and personal within such town, and may lease, sell and dispose of the same for the benefit of the town, and may have a common seal, and break and alter the same at pleasure.

Boundaries of Geary City.

SEC. 2. That M. L. Clutter, R. J. Porter, Joseph Thompson, John Pickard and J. L. Roundy, are hereby appointed the first board of trustees for said town, who shall continue in office until their successors are elected and qualified. Said trustees shall, before entering upon the duties of their office, respectively take

Names of trustees.

Trustees to
take oath.

an oath to support the constitution of the United States, and perform the duties of their office with fidelity, which oath may be taken and subscribed before the Probate judge, or any justice of the peace of the county of Doniphan, and shall be filed among the other papers of the incorporation.

Election when
held.

SEC. 3. That the election for trustees shall be held on the first Monday of April, A. D. 1858, and every year thereafter, and any free white male citizen of the United States, who shall have attained the age of twenty-one years, and be an inhabitant of said town, for thirty days next preceding the election, shall be eligible to the office of trustee, and entitled to vote.

Qualification
of voters.

Powers of
chairman of
board.

SEC. 4. That the chairman of the board of trustees, shall have all the powers and privileges of a justice of the peace, within the corporate limits of said town, in all matters arising under the ordinances of said corporation, and he shall sit on the trial of violations of the ordinances, and shall receive the same fees as a justice of the peace for like services: *Provided*, that in all such cases, either party shall, on demand, be entitled to a jury of six good and lawful men, and also an appeal on the same terms and conditions, as appeals are allowed by law from a justice of the peace.

Of city scrip.

SEC. 5. That so much of the act passed at the session of the Legislature of 1855, entitled "An Act for the incorporation of Towns, and to prevent the circulation of city scrip," as is consistent herewith, is hereby extended to, and applied to Geary City.

Disposal and
conveyance
of lots, &c.

SEC. 6. That the disposal of the lots in said town, belonging to the Geary City Association, or for which they are obligated to make a title, and the proceeds of the sales thereof, shall be in accordance with the by-laws of said association, and all deeds for the conveyance of said lots, shall be made and executed, according to the provisions of the act of 20th February, A. D. 1857, entitled "An Act to incorporate the Geary City Association."

President to
acknowledge
plat of the
town.

SEC. 7. That the acknowledgment, by the president of the Geary City Association, before a notary public, of the map or plat of said city, which is required to be filed in the office of the recorder of the county, shall be held and deemed a sufficient acknowledgment thereof: *Provided*, that if said plat is so acknowledged and filed in the proper office, within thirty days from the passage of this Act, the previous neglect to file the same, shall in no way affect the title to lots in said town.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved February 3, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER LXXX.

CITY OF LAWRENCE.

AN ACT entitled "An Act to repeal An Act, entitled An Act to Charter the City of Lawrence."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That an act entitled "An Act to incorporate the city of Lawrence," approved February 28, A. D. 1857, be, and the same is hereby repealed. Act repealed.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved February 11, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER LXXXI.

LEGALIZING THE CHARTER OF THE CITY OF LAWRENCE.

AN ACT entitled "An Act to legalize the Charter and City Government of the City of Lawrence."

Whereas, the citizens of Lawrence did, on the thirteenth day of July, 1857, enact a charter for the city of Lawrence, as follows:

Be it ordained by the inhabitants of the town of Lawrence :

Boundaries of
Lawrence.

1. That all that district of county contained within the following limits, to wit: beginning at a point in the middle of the channel of Kansas river, eighty rods west of the north-east corner of section thirty-one, in township twelve, range twenty, thence due south to the centre of the south-east quarter of said section thirty-one; thence due west to the west line of said section; then due north, to a point eighty rods north of the north-west corner of said section thirty-one; thence east to the middle of the channel of the Kansas river; thence with the middle of the channel of the said river, to the place of beginning; shall be

Erected into a
city.

and is hereby erected into a city, by the name of the city of Lawrence, and the inhabitants thereof shall be and are hereby constituted a body politic and corporate, by the name and style of the mayer, aldermen and citizens of the city of Lawrence, and by that name, they and their successors shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions and matters whatsoever; may grant, purchase, receive, and hold property, real and personal, within the said city, and no other, (burial grounds excepted), and may lease, sell, and dispose of the same for the benefit of the city, and may do all other acts as natural persons; may have a common seal, and break and alter the same at pleasure. 2. The

Powers.

Corporate powers.

corporate powers and duties of said city shall be vested in a mayor and board of seven aldermen, who shall be chosen by the qualified electors, for the term of one year, shall be at least twenty-one years of age and citizens of this Territory and of the United States, or persons who have declared their intentions to become citizens of the United States and inhabitants of the said city, ninety days prior to said election; and all vacancies shall be filled by election as aforesaid, in such manner as shall be provided by ordinance. When the convenience of the inhabitants shall require it, the city shall be divided into convenient wards, which may be altered from time to time, and new wards established; and the aldermen shall be apportioned among the several wards, according to the number of qualified electors in each.

Of vacancies.

City to be divided into
wards.

Mayor and aldermen shall
appoint officers

3. The mayor and aldermen shall appoint their clerk and all other officers within the city which are not ordered by law or ordinance to be otherwise appointed or elected, and shall judge of the qualifications, elections and returns of their own members. A majority shall constitute a quorum to do business, but a smaller number

Quorum.

may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as the board may provide. 4. The stated meetings of the board shall be held on the second Tuesday of each month, at such place as they may appoint; but the mayor may call special meetings, by notice to each of the members of said board. 5. No member of the board shall, during the period for which he was elected, be appointed to, or competent to hold any office, the emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract, work, or business, or the sale of any article, the expense [or] price of consideration of which is paid from the city treasury, or by any assessment levied by any act or ordinance of said board, nor shall any such member be directly or indirectly, interested in the purchase of any real estate, or other property belonging to the corporation, or which shall be sold for taxes or assessments, or become security for any officer appointed by said board, or for any contractor under the city government. 6. When any vacancy shall happen in the office of mayor, by death, resignation, removal, or absence from the city, refusal to qualify or otherwise, the aldermen shall elect one of their own number for the time being, who shall exercise the office of mayor, until such vacancy shall be filled; and in case of vacancy, as aforesaid, other than a temporary absence, the person exercising the office of mayor shall cause a new election to be held, giving ten days notice thereof by proclamation. 7. The mayor and board of aldermen shall have power by ordinance, to levy and collect taxes, upon real and personal property within the city, not exceeding one half of one per centum upon the assessed value thereof, except as hereinafter excepted; to make regulations to prevent the introduction of contagious diseases; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to establish night watches and patrols; erect lamps in the streets, and lighting the same; to provide for licensing, taxing, and regulating auctions, retailers, ordinaries and taverns, billiard tables, hackney carriages, wagons, carts, drays, pawnbrokers, hawkers and pedlars, theatrical and other shows and amusements; to restrain and prohibit tippling houses, gaming houses, bawdy houses, and other disorderly houses; to establish and regulate markets; to establish and repair bridges; to open and keep in repair streets, avenues, lanes, alleys, drains and sewers, and keep the same clean; to provide the city with water; to provide for safe keeping standard weights and mea-

Meetings, when held.

Members of the board not permitted to hold office, when.

Vacancy in the office of Mayor.

Mayor and board of aldermen have power to collect taxes.

General powers

sures, for the regulation of weights and measures to be used in said city; to regulate the cleaning of chimneys and fix the fees therefor; to provide for the prevention and extinguishment of fires; to provide for the inspection of lumber and other building materials, to be sold or used therein; to regulate and order partition and parapet walls, and partition fences; to regulate the inspection of butter, lard, wood and the weight and quality of bread; the storage of gunpowder, tar, pitch, hemp, and other combustible materials; to erect pumps in the streets for the convenience of the inhabitants, and from time to time pass such ordinances to carry into effect this Act and the powers hereby granted, as the good of the inhabitants may require; and impose and appropriate fines and forfeitures for the breach of any ordinance, and provide for the collection thereof: *Provided*, that no tax shall be laid upon the wearing apparel or necessary tools or implements of any person, used in carrying on his trade or profession; nor shall the same be subject to distress or sale for tax. 8. On the application of the holders of more than one-half of the fronts of the lots on any street or part of a street, it shall be lawful for the mayor and aldermen to levy and collect a special tax on the holders of the lots on said street or part of a street, according to their respective fronts, for the purpose of paving or planking such street, or part of a street, or for the purpose of paving or planking the side walks of such street or part of a street; upon a similar application to levy a tax in the same manner for the purpose of lighting the street or erecting lamps therein. 9. The mayor and aldermen shall have power to regulate, pave and improve the streets, avenues, lanes and alleys within the limits of the city. 10. The style of ordinances of the said corporation shall be: "Be it ordained by the Mayor and Board of Aldermen of the city of Lawrence;" and all ordinances shall, within one month, after they are passed, be published in some newspaper printed in said city. 11. The corporate board shall appoint a clerk or register of the city, who shall perform the duties of clerk to the board of aldermen when in session; he shall keep a book or books, wherein shall be entered all the proceedings of the board, which book or books shall, at all proper times, be open to the inspection of the inhabitants of the city, and he shall keep and preserve in his office all records, public papers and documents, belonging to the city, and shall perform such other duties as shall be enjoined on him by ordinance, and he shall hold office for the term of one year unless

Proviso.

May collect special tax.

Shall have power to improve streets, &c.
Style of ordinances.

Clerk to be appointed.

Duties.

some removed. 12. The mayor and each of the aldermen, and every other officer of the corporation shall, before entering on the duties of their office, take and subscribe an oath or affirmation, before some judge or justice of the peace or other proper officer, to support the constitution of the United States and of this Territory, and faithfully to discharge the duties of his office. 13. There shall be elected, at each general election, three city assessors, and a city treasurer, and one justice of the peace in each ward, who shall, before entering upon the discharge of the duties of their office, take an oath of office by this Act prescribed; and the city treasurer shall enter into bond with the said corporation, with sufficient security, the amount to be fixed by the board of aldermen, to be approved of by the mayor, conditioned for the faithful discharge of the duties of his office, which bond shall be deposited and recorded in the clerk's office. 14. At each general election there shall be elected a city marshal, who shall, before entering upon the discharge of the duties of his office, take the oath of office by this Act prescribed, and enter into bond to the said corporation, with sufficient sureties, the amount to be fixed by the board of aldermen, to be approved of by the mayor, conditioned for the faithful discharge of the duties of his office, which shall be deposited, recorded and kept on file in the clerk's office; and said marshal shall possess the same powers and perform the same duties within the city, as the constables in the different townships possess, in their respective townships, and shall moreover execute and return all process which may be issued by the mayor or any aldermen; he shall collect all taxes and perform such other duties as shall be prescribed by ordinance, and shall be entitled to the same compensations of collectors, sheriffs and constables, in like cases. 15. A general election for the officers of the corporation shall be held on the first Monday in March, in each and every year, in such manner as the mayor and aldermen may by ordinance provide. At all such elections the vote shall be by ballot, and the judges of such election, or any two of them, shall make out and deliver to each person elected, a certificate thereof; and the person so elected shall take and subscribe the oath of office before some judge or justice of the peace or other proper person, which being endorsed on such certificate, shall be certified by such judge or justice. The foregoing provisions of this Act shall take effect as soon as they shall be accepted by the inhabitants of said town and not before, in the manner following; that is to say: An election shall be held

Officers to take an oath.

Officers to be elected.

Treasurer to give bond.

City marshal.

Powers of marshal.

Election when to be held.

How conducted

By whom conducted.

Proviso.

on the second Wednesday of July inst., at the office of Ladd & Prentiss, at which place all qualified electors, who reside within the limits prescribed in the first section of this Act, shall be entitled to vote, and at the said election the voters shall vote by ballot for or against the city charter; and if a majority of all the votes given, shall be for the city charter, then the first election for city officers shall be held at the same place on the second Monday in July inst.; said election shall be held and conducted by A. D. Searl, C. Hornsby, H. Campbell, as judges. The officers elected at the first election, shall continue in office until the first Monday in May, A. D. 1858, and until their successors are duly elected and qualified: *Provided*, that the General Assembly may at any time repeal, alter, amend, or modify this Act at pleasure; and on the fifteenth day of July, in the year aforesaid, in accordance with the provisions of the said charter, the citizens of the said city of Lawrence, did elect a mayor and a board of aldermen; and *whereas*, the mayor and aldermen elected as aforesaid for the said city of Lawrence did, in accordance with the provisions of the said charter, pass the following ordinances, to wit:

ORDINANCE No. 1.

Be it ordained by the Mayor and Board of Alderman of the City of Lawrence:

Ordinance of No. 1. Fire department.

SEC. 1. The fire department of the city of Lawrence shall consist of a chief engineer and assistant, two wardens, and such engine, hook, ladder and bucket companies as shall be organized by the board. Each company shall consist of a foreman, assistant foreman and clerk, and as many firemen as shall be determined by the board. Those first enrolled shall be approved by the board, and all others subsequently admitted must be by vote of the company, and also approved by the board.

Hook, ladder and bucket company.

SEC. 2. There shall be organized, as speedily as possible, a hook, ladder and bucket company, to attend to and use the hooks, ladders and buckets that may hereafter belong to this city.

SEC. 3. Each company may enact rules for its own government not inconsistent with the laws of the Territory and of the city of Lawrence, and shall elect their own officers by ballot, from the members of their own company, so soon as the company shall be organized. The company or companies shall elect the chief engineer, assistant and wardens on the first Monday in November next, and annually thereafter. So soon as a company is organized, the foreman shall report the names of members, with their age, occupation and residence to the board; and any sub-

sequent additions to said companies shall be reported in the same manner. The mode of conducting elections shall be prescribed by the mayor and board. No person shall be admitted as member of a fire company who is not eighteen years of age or upward.

SEC. 4. It shall be the duty of the foreman of each company, and of the assistants, to see that all the apparatus committed to their care is properly kept, so as to be in readiness for use at a moment's notice. They shall convene such meetings of the company as are necessary to keep it in efficient order, and they shall call out and superintend the company in case of fire. Each and every member of the company or companies shall immediately repair to the building where the ladder, hooks and buckets are kept, in case of an alarm of fire; or, if nearer, shall repair immediately to the scene of action. The mayor and board of aldermen shall have the privilege of visiting and inspecting the apparatus of the fire company or companies at any time.

SEC. 5. The board shall appropriate for, and purchase such hooks, ladders, buckets, or other apparatus, for the use of said company or companies, as shall be required. They may vote an appropriation for wells, a cistern or cisterns, in the central or business part or parts of the town; for building engine houses, or for any other necessary purpose to render this ordinance effective.

SEC. 6. Every fireman, who shall be in good standing as such, shall be exempt from military and jury duty in the city of Lawrence.

ORDINANCE No. 2.

Be it ordained by the Mayor and Board of Aldermen of the City of Lawrence :

Ordinance No. 2. Of nuisances.

SEC. 1. That upon information, made to the city marshal in writing, that any dead horse, ox, dog, or other animal, is found lying upon any of the streets, alleys, vacant lots or public grounds of this city, that he shall proceed without delay to notify the owner thereof, in writing, to bury or remove the same to some suitable place without the bounds of the said city of Lawrence.

SEC. 2. If, after the service of such written notice by the city marshal upon the owner of such dead animal as above mentioned, the owner thereof shall refuse or neglect to bury or remove the same, he shall be subject to a fine of five dollars and costs, to be

sued for, and collected before any justice of the peace in said city of Lawrence, in the same manner as in civil cases.

SEC. 3. The city marshal shall, upon the neglect or refusal of any person to bury or remove such dead animal, immediately proceed to bury or remove the same to some suitable place without the bounds of this city, charging all costs and expenses to the said city of Lawrence, to be paid by an order drawn upon the treasurer of the same.

SEC. 4. Upon information made to the city marshal, in writing, that any dead horse, ox, dog, or other animal, is found lying in any of the streets, alleys, vacant lots or public grounds of this city, and the owner is to him unknown, then the marshal shall proceed immediately to bury or remove the same to some suitable place without the bounds of the said city, charging all costs and expenses to the city of Lawrence, to be paid by an order drawn on the treasurer of the same.

SEC. 5. No person shall deposit any dead animal, or any excrement or filth from any privy or other offensive place, upon any grounds within the bounds of this city, or any animal or vegetable substance upon any street or public place, to decay thereon, or shall collect or keep any hog or hogs or other animal in a pen or enclosure, in this city, so as to be offensive (upon inspection and notice in writing to the city marshal) to persons living in the vicinity, under a penalty of five dollars and costs for every offense, to be sued for and collected before any justice of the peace within the said city of Lawrence, in the same manner as in civil cases.

SEC. 6. Every house, store or shop keeper shall, immediately upon the publication of this ordinance, as required by the charter of this city, proceed to bury or remove all decayed vegetable or animal matter, cleanse all cess pools and vaults, remove all matter whatsoever which has or may become a nuisance, and any person refusing or neglecting shall, upon complaint made in writing to the city marshal, be subject to a fine of two dollars and costs, to be sued for and collected before any justice of the peace in said city of Lawrence, in the same manner as in civil cases.

SEC. 7. Every tenement within the bounds of this city shall be furnished with a suitable privy, with a vault not less than five feet deep, so constructed as not to become a nuisance.

SEC. 8. All privies having been erected previous to the passage of this ordinance, and not complying with the same, shall,

ten days after the publication of this ordinance, as required by the city charter, be so altered or arranged as to comply in all respects with the provisions of this ordinance.

SEC. 9. Upon information, made in writing to the city marshal, that any privy or privies within the bounds of the city, do not comply in all respects with the provision of this ordinance, that he shall immediately proceed to cause said privies to be so altered or arranged as to comply in all respects with the provisions of this ordinance, charging all costs and expenses to the owner, agent or occupant of the same, to be sued for and collected before any justice of the peace in this city, in the same manner as in civil cases.

SEC. 10. All owners or occupants of stables within the bounds of this city shall, upon the publication of this ordinance, as required by the charter, immediately proceed to remove to some suitable place without the bounds of this city, or to some place where the same cannot become a nuisance, all manure or other offensive matter that may have collected on their premises, creating a nuisance. Any refusal or neglect to remove such nuisance shall, ten days after the service of a written notice by the marshal, subject the owner or occupant of such stable to a fine of five dollars and costs for every day such nuisance shall remain upon such premises, to be sued for and collected before any justice of the peace in this city, in like manner as in civil cases.

SEC. 11. All owners or occupants of stables shall cause to be removed from their stables all manures or other offensive matter as often as the city marshal or the mayor and board of aldermen shall direct. Any refusal or neglect of any owner or occupant of any stable to comply with the provisions of this ordinance, shall be subject to a fine of two dollars and costs for every such offence, to be sued for and collected before any justice of the peace in this city, in like manner as in civil cases.

SEC. 12. No person shall keep any slaughter house or slaughter yard, or shall slaughter animals within that portion of the city of Lawrence embraced between Delaware street on the east and Illinois street on the west, nor shall herd any animals within the above prescribed bounds for slaughtering purposes, except by permission of the mayor and board of aldermen, in writing, designating where such slaughter house or yard may be located, and how long continued. Any refusal or neglect to comply with the provisions of this ordinance, shall subject the person so neglecting or refusing to a fine of twenty dollars and costs, to be sued

for and collected before any justice of the peace in this city, in like manner as in civil cases.

SEC. 13. The city marshal shall be ex-officio street inspector, and is hereby authorized to enter and examine all premises within this city, wherever offensive privies, filth, stagnant water, or other nuisance may be found, and it shall be the duty of the marshal, upon complaint of any person, in writing, or upon examination of the premises, to notify the occupant of the premises, forthwith to remove any nuisance found thereon; and upon the failure of the occupant to remove the same, within a reasonable time, the marshal shall proceed to have the same removed, charging all costs and expenses to the occupant thereof, to be sued for and collected before any justice of the peace in this city, in like manner as in civil cases.

Approved August 20, 1857.

J. BLOOD, Mayor.

ORDINANCE No. 3.

Be it ordained by the Mayor and Board of Aldermen of the City of Lawrence:

Ordinance No.
3. Of publica-
tion of Ordi-
nances.

All ordinances shall be published by one insertion in one or more newspapers, published within the city, and the clerk of the Board shall furnish to the publisher or publishers thereof copies of all ordinances, for publication, within one week from their passage and approval.

Approved August 20, 1857.

J. BLOOD, Mayor.

ORDINANCE No. 4.

Be it ordained by the Mayor and Board of Aldermen of the City of Lawrence:

Ordinance No.
4. Of taxa-
tion.

SEC. 1. For the support of the city government, the payment of city debts, and improvement of the city, there shall be annually levied a poll tax of one dollar upon every male person, not a pauper, who is twenty-one years of age, and who shall have resided within the city six months, and said fund shall be expended, exclusively, for the support of public schools; and unless otherwise ordered by ordinance, a tax of not exceeding one half of one per centum, upon all property real and personal within the city, subject to taxation for other purposes.

SEC. 2. The assessors of the city of Lawrence are authorized

to assess all the real estate and chattels within said city, both of residents and non-residents, by valuing the same at its cash value. They shall also obtain a poll list of all persons taxable by the preceding section, within or during the month of October next, and also annually each year afterwards, during the month of October, for the purpose of levying a tax thereon, for the use of said city.

SEC. 3. The assessors are authorized to demand of every person owning any taxable property, or holding the same as agent, guardian, trustee or otherwise, a list of such property, with such description as will enable them to list and assess the same, and when not satisfied with such list, to examine the party under oath touching the same.

SEC. 4. If any person refuse or neglect to list their property, as aforesaid, or to testify concerning the same under oath, the same shall be assessed according to the judgment of the assessors, at the cash current value thereof.

SEC. 5. When the owner of any property assessed is unknown, it shall be so stated on the assessor's book.

SEC. 6. The assessors shall meet and have with them the assessment list, and allow the same to be inspected, at the room usually occupied by the Board, on the first Wednesday in November next, and on the same day of each year afterwards, public notice of which shall be given one week previous, by hand bills, put up in four or more public places, for the purpose of correcting the property list, by hearing the evidence of any person under oath, whose property has, in his estimation, been assessed too high.

SEC. 7. The said assessors shall make out and return, before the day of the regular meeting in the month of November in each year, to the register, who is hereby required to lay the same before the mayor and board of aldermen, in a book to be prepared for that purpose, a list of all property, and the poll list subject to taxation; describing, in separate columns, the different species of personal property listed, and to whom, together with the real estate and improvements thereon, in separate columns, and describing said real estate by the number of the lot, or by the quantity, by metes and bounds; whereupon the finance committee, or the full board shall, as soon as practicable, prepare and report in writing, to the register, the per cent. of taxes required upon the valuation list for the current year; and said register shall proceed, in accordance therewith, to make out and assess upon the

property list prepared, a tax to meet such expenses, not exceeding five mills on the dollar in any one year.

SEC. 8. The said register shall deliver, before the first day of January of the next and each succeeding year, to the marshal of the city, a transcript or duplicate of said assessment, prepared in book form, take his receipt therefor, and charge him with the amount of the tax book, keeping another copy of the same on file.

SEC. 9. The marshal shall, immediately, upon the receipt of the tax book, proceed to the collection of the taxes, by demanding the same from the owners of the property, their agent, or the holders thereof; and shall, on every Saturday, pay over to the city treasurer all taxes collected.

SEC. 10. It shall be the duty of the city marshal to levy upon the personal property, if any can be found, of all delinquents whose taxes are uncollected on the fourteenth day of February of each year, and to advertise the same ten days, by hand bills put up in four or more public places in the city, at the expiration of which time the marshal shall proceed to sell the same to the highest bidder, or a sufficient amount thereof to pay the taxes with costs; and all taxes uncollected, as before provided, upon the first day of March, shall be returned in a delinquent list, by the marshal to the register, to be by him made out and reported to the council, at their next regular meeting.

SEC. 11. Said delinquent list (excepting such portion as may be abated by the board,) shall be published in some newspaper or newspapers, in the city, for three successive weeks, together with a notification that unless said taxes are paid, within thirty days from the date of the last publication, the property assessed, or a portion thereof, upon which the tax is unpaid, will be sold to pay the tax thereon and costs.

SEC. 12. At the expiration of the time limited in said delinquent notice, the marshal shall advertise the property therein mentioned, for twenty days, by hand bills put up in four or more public places in the city, and by publication three weeks in said newspapers, and on the day therein specified, shall sell by public auction so much of the property above mentioned as shall be sufficient to satisfy the taxes due thereon, with costs of advertising, &c.

SEC. 13. The marshal shall make a full return of all said proceedings to the register within ten days from said day of sale.

SEC. 14. The finance committee of the council shall examine the return of the marshal, and report to the council, who shall order the marshal to be credited with such amount of said tax book, reported by said committee to be uncollected.

SEC. 15. Any real estate sold for taxes under this ordinance may be redeemed by the person interested, at any time within two years from the day of such sale, by paying to the city treasurer, for the use of the purchaser, the amount paid by such purchaser, with twenty-five per cent. interest from date of sale, and twenty per cent. penalty, together with all taxes that may have been paid by said purchaser since the purchase.

SEC. 16. Upon such payment, the treasurer shall give the party a receipt and deliver a duplicate thereof to the city register.

SEC. 17. Upon the delivery of said receipt, the register shall make out, under the seal of the city, to be signed by the mayor, a certificate reciting said sale, purchase and redemption.

SEC. 18. If any property sold as aforesaid be not redeemed as hereinbefore provided, the register shall make out and deliver a deed therefor, in the name and under the seal of the city, which shall contain a description of the real estate, the date of sale, and the assessment of the tax, and whether the same was a special or general tax, the amount of said tax and the name of the purchaser, for which the register shall be entitled to two dollars from the purchaser, upon delivery thereof.

SEC. 19. Deeds for property, sold as aforesaid, may be made to the holder of the certificate of sale, by written transfer of said certificate from the purchaser.

Approved August 20, 1857.

J. BLOOD, *Mayor*.

ORDINANCE No. 5.

Be it ordained by the Mayor and Board of Aldermen of the City of Lawrence:

SEC. 1. Whenever his honor the mayor, either upon personal examination or upon information made by any responsible person, shall become satisfied that any person is lying sick within the bounds of the city, who is destitute of property or any means of providing themselves with necessary care and attendance, it shall be his duty to direct the city marshal, without delay, to provide comfortable quarters for the same, with proper nursing and medical attendance, if necessary; and all charges and ex-

Ordinance No.
5. Of paupers.

penses for the same shall be paid by an order drawn upon the city treasurer, upon a report of the marshal to the Board.

SEC. 2. When it shall appear, upon investigation by his honor the mayor, or any three aldermen, that any person having died within the bounds of this city, leaving no means for the payment of funeral expenses, the sexton shall, upon notice given by his honor the mayor, or any three aldermen, forthwith proceed to furnish a suitable coffin and all necessary habiliments, and in a proper manner and suitable time to bury the same, in a place to be designated by the board; all charges and expenses for the same to be paid by an order drawn upon the city treasurer, upon a report of the sexton to the board.

Approved August 21, 1857.

J. BLOOD, *Mayor*.

ORDINANCE No. 6.

Be it ordained by the Mayor and Board of Aldermen of the City of Lawrence:

Ordinance No.
6. Of officers.

SEC. 1. There are hereby created within the city of Lawrence the offices of city attorney, city surveyor, sexton and city printer.

SEC. 2. Every person elected or appointed to any office in this city, or their deputies, shall be a citizen of the United States, over twenty-one years of age, and shall have resided in the city three months next preceding his election or appointment.

SEC. 3. Every officer, before being commissioned, shall, before any justice of the peace in this city, take and subscribe [to] the oath provided in the charter of the city, and deposit with the city register such bond as may be by ordinance required, endorsed with the approval of the mayor thereon, which bond shall be drawn by the justice of the peace, at the charge of the principal therein.

SEC. 4. Upon the filing of said oath and bond with the city register, the justice of the peace shall make out, under seal of the city, and in the name thereof, a commission, empowering such person to discharge the duties of the office named in said commission, during the term thereof and until his successor shall have been duly elected or appointed and commissioned.

SEC. 5. Any commissioned officer of the city may, by written deposition, filed with the register, with the approval of the mayor, appoint and authorize one or more deputies, for whose official acts such officer shall be responsible.

SEC. 6. The official bonds of the officers shall be in the following sums, viz: treasurer, five thousand dollars; marshal, two thousand dollars; register, one thousand dollars.

Approved August 20, 1857.

J. BLOOD, *Mayor*.

ORDINANCE No. 7.

Be it ordained by the Mayor and Board of Alderman of the City of Lawrence :

SEC. 1. The common seal of the city shall be a circular stamp, in the centre of which shall be an embellished cut of the ruins of the Free State Hotel, with the figure of a Phoenix rising above it, and around it engraved the words, "Seal of the City of Lawrence, Kansas."

Ordinance No.
7. Of common
seal of the city.

Approved August 21, 1857.

J. BLOOD, *Mayor*.

ORDINANCE No. 8.

Be it ordained by the Mayor and Board of Aldermen of the City of Lawrence :

SEC. 1. It shall be the duty of the sexton, under direction of the marshal, or of the mayor, or any three of the aldermen, at any time when called upon, to attend to the digging of graves, at the expense of the city; and all graves shall be not less than five feet in depth; and for every neglect of the duties aforesaid, the sexton shall upon conviction be fined not less than five dollars.

Ordinance No.
8. Duties of
city officers.

SEC. 2. It shall be the duty of either the mayor or marshal to make all contracts to which the city is a party; but they are not authorized to complete the same until they have referred the matter to the council, by making a definite statement of the work to be done, and the proposals received; and if satisfactory, the council shall authorize them to complete the contract, or if not satisfactory, to require such terms or conditions as will fully subserve the object they desire.

SEC. 3. When such labor or service shall be completed and accepted, or when any claim is recognized by the finance committee and approved by the board, against the city, for property purchased or otherwise, the mayor shall draw an order on the treasurer, in favor of the claimant, which order shall be countersigned by the register; and said orders shall be received in payment for any city tax.

SEC. 4. It shall be the duty of the treasurer to safely keep and disburse, under the direction of the mayor and board of aldermen, all moneys belonging to the city. He shall keep an accurate account of all receipts and payments, with a cash book, in which he shall enter, under appropriate heads, an account of all receipts and expenditures, and shall furnish a return thereof to the council once in three months, and at each regular meeting, when required so to do.

SEC. 5. All officers shall make a settlement of all their accounts with the finance committee at each regular meeting, when required to do so by the board; and a failure or refusal so to do, shall be good cause for removal from office.

SEC. 6. No money shall be paid out of the treasury except on order signed by the mayor and countersigned by the register, and no orders shall be drawn by the mayor, except in favor of claimants whose accounts have been audited by the finance committee and approved by the board.

SEC. 7. All justices of the peace, in and for the city of Lawrence shall have the same civil and police jurisdiction as is conferred upon like magistrates in the State and city of New-York, except as otherwise provided by ordinance.

Approved October 2, 1857.

J. BLOOD, *Mayor*.

ORDINANCE No. 9.

Be it ordained by the Mayor and Board of Alderman of the City of Lawrence:

Ordinance No:
9. Of improve-
ments.

SEC. 1. That all expenses for improvements in altering, filling up, grading, guttering, planking and paving streets, and for grading, curbing, paving, planking and flagging sidewalks, and for building drains and sewers, shall be assessed upon and paid by the lots and real estate in the vicinity benefited by the same, in proportion to the benefit received; but all repairs upon any of said works, after they have been accepted by the city, shall be paid by the city, with the exception that all repairs of the same which may be rendered necessary by reason of any defect or insufficiency of any building or private improvement adjacent thereto, shall be made by the owner or tenant of such building, or if he neglects so to do, by the marshal in behalf of the city, at the expense of such owner.

SEC. 2. All propositions for such improvements shall emanate from the inhabitants of the city, in the form of a petition to the

board; and no action shall be had thereon until two-thirds of the resident lot owners upon that portion of any street whereon the improvement is proposed, shall have signed such petition, except when the public security demands immediate repairs.

SEC. 3. When the council shall have authorized, by ordinance, any improvement above enumerated, and shall have let the contract for the same, the assessors shall, under direction of the board, proceed to assess the property abutting upon the street where the improvement is to be made, and apportion the special tax for such amount as the board may stipulate, having in view the relative benefit each person assessed will derive from the contemplated work; and said tax may be collected in all cases by the marshal as general taxes.

SEC. 4. The city surveyor, under direction of the board, shall fix and establish the grades of the several streets by a full report, including a profile view of the same, founded upon an actual survey; and said report and profile shall be deposited in the register's office. And no person owning any building or lot shall be entitled to any damages owing to such grade; and after the grade of any street has been so established, it shall not be altered by ordinance, except upon petition, signed by two-thirds of the lot owners on said street.

SEC. 5. No person shall break or dig up the ground in any street, or common, or public passageway in the city, nor erect any staging for building thereon, or pile or deposit thereon any dirt, earth, bricks, stones, lumber or other building materials that shall obstruct more than one third the width of any street, and that shall be contiguous to his lot or enclosure, reserving at least one-half the sidewalk.

SEC. 6. Whoever shall, for any purpose, offend against Sec. 5 of this ordinance, and refuse to amend or make restoration to the satisfaction of the board, within five hours after being notified to do so, by any city officer, shall forfeit and pay the sum of twenty dollars, and a further sum, not exceeding twenty dollars, for each day after the expiration of said time, till amendment be made.

SEC. 7. No person shall stop with any team or carriage, or place any obstruction of any kind upon or across any flag or stepping stones or other foot way, placed or to be placed in any street in the city.

SEC. 8. No person shall draw, propel or wheel any hand cart or other carriage upon any sidewalk, except children's carriages drawn by hand.

SEC. 9. No person shall place or establish any awning or shade before his or her place of business or dwelling house, over any part of any street or sidewalk, unless the same be safely made and supported, so as in nowise to incommode passengers, and so that the lowest part thereof shall be at least eight feet in height above the sidewalk or street; and said awning or shade, if built over a sidewalk, shall extend over the outside edge thereof.

SEC. 10. No person shall erect, set up or maintain any portice, platform or door step, extending into any street or sidewalk, and all such obstructions shall be removed on notice from the city marshal; *Provided*, That this section shall not apply to any doorsteps that shall not extend more than two feet into such street or sidewalk.

SEC. 11. No person shall erect, construct or keep any cellar door, bulkhead, basement or excavation of any kind, extending into or occupying more than two feet of any street, sidewalk or public passageway unless such doorway or excavation be kept covered with a suitable and substantial plank covering or grate, level with the sidewalk or street; *Provided*, that this section shall not apply to any permanent buildings already erected; but where any such passageways or excavations now exist upon any street or sidewalk, they shall be suitably protected by a substantial wood or iron railing, to the acceptance of the board.

SEC. 12. No person shall drive any carriage, horse or team upon any or over any sidewalk or footpath, except for the purpose of crossing, as soon as may be, into or out of some adjoining yard or enclosure.

SEC. 13. No person shall expose or exhibit for sale, in front of any shop or store, any goods or articles of merchandize, in such a manner as to extend more than four feet from the building, upon the sidewalk.

SEC. 14. No person shall place or deposit any dirt, saw dust, rock, ashes, cinders, shreds, shavings, hair, manure, or any animal, mineral or vegetable substance, in or upon any street, sidewalk, passageway or public place, without first obtaining a written permit from the mayor and board of aldermen, and without faithfully complying with the conditions of the same.

SEC. 15. Any person who shall violate any of the provisions of this ordinance, shall forfeit and pay, upon conviction before any justice of the peace, a sum not exceeding twenty dollars for each offence.

Approved October 2, 1857.

J. BLOOD, *Mayor*.

ORDINANCE No. 10.

Be it ordained by the Mayor and Board of Aldermen of the City of Lawrence :

SEC. 1. The mayor or justice of the peace shall be entitled to the following fees : for taking and filing each affidavit, twenty-five cents ; for issuing every subpoena, twenty-five cents ; for administering every oath, five cents ; for issuing every warrant in criminal cases, twenty-five cents ; for entering final judgment in criminal cases, fifty cents ; for issuing venire for jury in criminal cases, twenty-five cents ; for issuing each execution, fifty cents ; for taking each acknowledgment of deeds or power of attorney, twenty-five cents.

Ordinance No.
10. Of fees of
officers.

SEC. 2. That in all suits, instituted under the laws of this city, witnesses shall receive twenty-five cents for each attendance, and every juryman fifty cents for each attendance, which shall be rendered in judgment in all cases, unless remitted by such witness or juryman ; and the above sums shall be paid in advance in all civil suits, as follows : the jury shall be paid by the party calling them, and each party shall pay his own witness.

SEC. 3. The mayor and aldermen shall receive two dollars each for every day's attendance upon the meetings of the council, to take effect on the expiration of the term of the present board. The marshal shall receive a salary of two hundred dollars per year, and the same fees shall be allowed him for official services as are prescribed by statute laws for constables, in similar cases ; but said salary shall not commence until the expiration of the term of office of the present marshal. The register shall receive five cents per hundred words for all records made, publication of ordinances, notices, &c., and fifty cents each for every license issued under the ordinances. The city attorney shall receive a salary of one hundred dollars per year for all services performed by direction of the board, to take effect on the expiration of the present term of office. The city engineer shall be entitled to receive the usual rates for surveying, &c., for all work done in the city, by order of the board. The city sexton shall receive four dollars for digging every grave of a person over ten years of age, and three dollars for the grave of every child under that age.

Approved December 1, 1857.

J. BLOOD, *Mayor.*

ORDINANCE No. 11.

Be it ordained by the Mayor and Board of Aldermen of the City of Lawrence :

Ordinance No.
11. Of assess-
ment of taxes.

SEC. 1. For the purpose of meeting the city expenses for the current year, it shall be the duty of the assessor to assess the real and personal property owned within the city, before the twentieth day of January, 1858, as now provided to be made during the month of October in sections 2nd, 3d, 4th and 5th of Ordinance No. 4. The assessors shall meet for the inspection of their lists on the last Wednesday of January next, as now provided for in section 6th of the above named Ordinance. On or before the first day of February next, the assessors shall make returns to the register, who shall lay the same before the board at their next meeting, as provided for in section 7, of the above named Ordinance; and the said register shall, before the tenth of February thereafter, make out and deliver a transcript of the tax book to the marshal of the city, who shall proceed to collect, in accordance with section 9th of the above named Ordinance; and and it shall further be the duty of the marshal to proceed with delinquents, on and after the third Monday in March, as now provided in sections 10th, 11th, 12th and 13th of the same Ordinance; and the delinquent list shall be returned by the marshal to the register, the first Monday in April thereafter.

Approved December 15, 1857.

J. BLOOD, *Mayor.*

Therefore,

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Charter legal-
ized.

SECTION 1. That the charter adopted by the citizens of Lawrence, on the second Wednesday of July, A.D. 1857, and the election held thereunder for a city government, and the Ordinances above enumerated, and proceedings connected therewith, shall be and the same are hereby legalized and declared to be in full force and effect.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

This Bill having been returned by the Governor with his objections thereto, and after reconsideration, having passed both Houses by the constitutional majority, it has become a law this the 11th day of February, A. D. 1858.

[Signed,] G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

CHAPTER LXXXII.

AMENDING THE CITY CHARTER OF LAWRENCE.

AN ACT Amending the City Charter of Lawrence.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That the city charter of the city of Lawrence, legalized and confirmed by the Legislative Assembly of the Territory of Kansas, at its third regular session, shall be amended as follows :

SEC. 2. All that district of country described as follows, to wit: Beginning at a point on the south side of the Kansas river, thirty feet east of the point where the west side of Maryland street intersects said river ; thence south in said Maryland street, four thousand two hundred and sixty feet to the center of Adams street, thence west five thousand two hundred and eighty feet, to a point thirty feet west of the east side of Illinois street ; thence north in Illinois street three thousand three hundred and eighty feet, to the south side of Warren street ; thence west four thousand five hundred and sixty-one feet ; thence north five thousand five hundred feet ; thence east five thousand six hundred and twenty feet, to the Kansas river ; thence down said river to the place of beginning, is hereby erected into a city, by the name of the City of Lawrence, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name and style of the City of Lawrence, and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended in any and [all] courts of law or equity, and in all actions whatsoever, may contract and be contracted with, may purchase, receive and hold property, both real and personal, within said city, and may

Situation of city of Lawrence.

Powers of corporation.

sell, lease, convey, or otherwise dispose of the same for the benefit of the city; may purchase, receive, hold, lease or convey property, both real personal, or mixed, beyond the limits of the city, to be used for the burial of the dead, for the erection of water-works, for the establishment of hospitals, poorhouses, workhouses, houses of correction, or for any purpose which may tend to the general good of the city, and may have a common seal, and change the same at pleasure.

Corporate powers.

SEC. 2. [3.] The corporate powers and duties of said city shall be vested in a mayor and board of councilmen, to be styled the City Council of the City of Lawrence.

Power to establish municipal laws, &c.

SEC. 3. [4.] The inhabitants of said city, by the name and style aforesaid, shall have power to provide and establish by ordinance, all necessary organic and municipal laws, rules and regulations, for the government of the inhabitants, and enforcing the same; to pass all ordinances that may be necessary to carry any of the provisions of this charter into effect, to pass any ordinance necessary for the well being of the inhabitants, and pass and provide for the enforcement of any and all ordinances which may be deemed right and proper, and not inconsistent with the constitution of the United States, and the Organic Act of this Territory.

Enacting clause of ordinances.

SEC. 4. [5.] The enacting clause of all ordinances shall be: Be it ordained by the mayor and councilmen of the city of Lawrence; and all ordinances shall be published in such manner as may be provided by ordinance, prescribing the same, and no ordinance shall be enforced until so published.

Qualification of voters.

SEC. 5. [6.] All male citizens of the United States, or who have lawfully declared their intention to become such, who are twenty-one years of age, and who shall have resided within the city limits three months next preceding any city election, shall be deemed qualified electors of said city, in the ward in which they may reside.

ARTICLE II.

Officers.

SEC. 1. The permanent officers of the city of Lawrence shall be a mayor, twelve councilmen, city clerk, recorder, marshal, assessor, treasurer, attorney, city engineer, street commissioners, and such other officers as may be created or established by ordinance.

Eligibility to office.

SEC. 2. Any person possessing the qualifications of an elector, shall be eligible to an election for appointment to any office in said city.

SEC. 3. The regular annual election for officers in said city, shall be held on the first Monday in March, and in such manner as may be fixed by ordinance, and at such places as may be designated by the mayor.

Annual election, when held.

SEC. 4. At each annual election there shall be chosen, by the qualified electors of said city, the following officers, to wit: mayor, twelve councilmen, to be elected by words, as may be established and apportioned by ordinance; city clerk, recorder, marshal, city attorney, city engineer, assessor, treasurer and street commissioner, and all other officers of the city shall be elected or appointed, as may be determined by ordinance; all officers so elected or appointed, shall hold their office for one year, and until their successors are elected or appointed, according to law; and the provisions of any ordinance or ordinances, touching such elections or appointments, unless sooner removed, in such manner and for such offences as may be prescribed by ordinance.

Officers to be elected.

ARTICLE III.

SEC. 1. There shall be in said city a city council, which shall consist of a mayor and board of councilmen, which board shall consist of twelve members, said members to be chosen in the respective wards of the city, as they may be apportioned thereto by ordinance.

City council.

SEC. 2. The said city shall be divided by ordinance, into not more than six wards; and the number of councilmen to be elected in each ward, shall be established by ordinance, in proportion to the population of said wards respectively.

Apportionment of wards and councilmen.

SEC. 3. If the mayor, or any other officer of this city, shall remove from the city, or any councilman shall remove from the ward from which he was elected, his office shall be vacated.

If mayor or councilman remove, office may be declared vacant.

SEC. 4. The city council shall judge of the qualifications, elections and returns of their members, and shall determine all contested elections in such manner as may be regulated by ordinance.

Council shall determine elections, &c.

SEC. 5. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and shall have power to compel the attendance of absent members, under such penalty as may be provided by rules of the city council for their own government.

Quorum.

SEC. 6. The city council shall have power to determine the rules of its proceedings, punish disorderly conduct, and with the

Council may determine the

rules of its proceedings. Shall keep a journal.

concurrency of two-thirds of its members, to expel any member.
 SEC. 7. The city council shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays, when demanded by any member, shall be entered on the journal.

No councilman shall be appointed to any office.

SEC. 8. No councilman shall be appointed by the city council, to any office under the authority of the city, during the time for which he was elected.

Vacancies, how filled.

SEC. 9. All vacancies in the city council, shall be filled by election by the people.

Officers to take an oath.

SEC. 10. The mayor, members of the board of councilmen, and all other officers of the city, whether elected or appointed, before entering upon the duties of their office, shall take and subscribe an oath that they will support the constitution of the United States, the Organic Law of this Territory, and will faithfully comply with the provisions of this charter, and well and truly perform the duties of their office, impartially and to the best of their skill and abilities.

ARTICLE IV.

Duties of mayor.

SEC. 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote when the councilmen shall be equally divided, and none other; he shall sign all bills before the [same] shall become ordinances, but may refuse or decline to sign any bill which he may deem inexpedient, or in violation of any provisions of this charter, and such refusals shall, at or before the next regular meeting of the city council, after the passage of such bill, return the same with his objections thereto, in writing, thereupon the council shall reconsider said bill, and dispose of it by yeas and nays, entered upon their journal, and if a majority of the whole city council shall vote yea on said bill, it shall become an ordinance without the signature of the mayor.

If mayor fail to return any bill to the council.

SEC. 2. If the mayor shall neglect or refuse to return to the council, at its next regular meeting, any bills submitted to him for his signature, it shall become an ordinance without his signature.

Mayor shall have control of all officers, &c.

SEC. 3. The mayor shall have the superintending control of all the officers and affairs of the city, and shall take care that the ordinances of the city and this charter are enforced and complied with.

Shall sign commissions.

SEC. 4. He shall sign the commissions and appointments of all the officers elected or appointed in the city government.

SEC. 5. He shall be a conservator of the peace throughout the city, and for this purpose may appoint or dismiss at pleasure, any member of extra policemen, as he may deem proper, and all such acts he shall report to the city council.

Shall be a conservator of the peace, &c.

SEC. 6. He shall, from time to time, communicate to the city council such information, and recommend such measures, as in his opinion may tend to the improvement of the finances of the city, the police, health, security, ornament, comfort and general prosperity of the city.

Shall communicate information and recommend measures to the council.

SEC. 7. The mayor, or any seven councilmen, shall have power to call special meetings of the city council, the object of which shall be submitted to the council in writing, and the call, and object, as well as the disposition thereof, shall be entered upon the journal by the clerk.

May call special meetings.

SEC. 8. The mayor shall have power, when he deems it necessary, to require any officer of the city to exhibit his accounts or other papers, and to make report to the council, in writing, touching any subject or matter he may require, pertaining to his office.

May require officers to make report to the council.

SEC. 9. The mayor shall be active and vigilant in enforcing all laws and ordinances for the government of said city, and he shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty, he shall have such jurisdiction as may be vested in him by ordinance, over all places within five miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance, and regulations thereof.

Duties of mayor.

SEC. 10. At the first meeting of the city council, after any general election for city officers, the board of councilmen shall elect from their number a president *pro tem.*, who shall, in the absence of the mayor, preside over the city council.

Council shall elect president *pro tem.*

SEC. 11. When any vacancy shall happen in the office of mayor by death, resignation, absence from the city, removal from office, refusal to qualify, or otherwise, the president of the council, for the time being, shall exercise the office of mayor, with all the rights, privileges and jurisdiction of the regular mayor, until such vacancy be filled, or such disability removed, or in case of temporary absence, until the mayor shall return; and during the time, he shall receive the same compensation that the mayor would have been entitled to, and in case of such vacancy, other than a temporary absence or disability, the person exercising the office of mayor shall cause a new election to be held, giving ten days notice thereof by proclamation.

Vacancy in office of mayor, how filled.

Mayor shall fill all offices.

SEC. 12. The mayor, by and with the advice and consent of the board of councilmen, shall have power to fill all offices within the city which are not ordered by law or ordinance to be elected, and to remove from office any person holding an office created by ordinance.

May fill all vacancies excepting councilman

SEC. 13. He shall have power to fill all vacancies, in any office, except that of councilman, until the end of the session of the council, which shall occur next after such vacancy; to remit fines and forfeitures, to grant reprieves and pardons.

Authorized to administer oaths, &c.

SEC. 14. The mayor of said city is hereby authorized to administer oaths, to take depositions and acknowledgments of deeds, mortgages and all other instruments of writing effecting the title of real estate, and certify the same under the seal of the city, and the same shall be received as valid throughout the Territory.

Of the qualification of mayor, &c.

SEC. 15. At the first meeting of the city council, after any general election for city officers, they shall cause to be made out and certified by their clerk, the election and qualification of the mayor, and within ten days thereafter he shall cause the same to be recorded in the recorder's office of the county, and a neglect of the mayor elect to qualify and cause the same to be recorded, for the space of ten days, shall be deemed a refusal to accept.

Authorized to call all citizens to aid in enforcing the laws, &c.

SEC. 16. The mayor is hereby authorized to call on every male inhabitant of the city, over eighteen years of age, to aid in enforcing the laws and ordinances of said city, and in case of necessity, to call out the militia within said city, to aid in the suppression of any riot, or in the enforcement of any ordinance; and any person who shall not obey such call, shall forfeit to said city a fine not exceeding five hundred dollars.

ARTICLE V.

Powers and authority of recorder.

SEC. 1. The recorder shall have exclusive original criminal jurisdiction of all offences arising under the ordinances of this city, and the person holding the office of recorder in the city of Lawrence, is hereby declared a justice of the peace, and shall have all the powers and jurisdictions of justices of the peace, in civil cases, and exclusive original jurisdiction in all criminal cases arising within this city.

Shall be a conservator of the peace, &c.

SEC. 2. He shall be a conservator of the peace, and his court shall be open every day, except Sundays, to hear, try and determine all cases wherein a breach of any ordinance of the city is charged, and he shall have power to issue all necessary process to bring parties before him, forthwith, for trial.

SEC. 3. He shall be entitled to the same fees as are by law allowed to a justice of the peace. Fees of recorder.

SEC. 4. In all cases before the recorder, arising under any ordinance of this city, an appeal may be taken on a final judgment, wherein the amount, exclusive of costs, exceeds twenty-five dollars, and in all cases before the recorder, under the laws of this Territory, the same rights of appeal as is by law allowed in justices' courts. Appeal may be taken from recorders court.

SEC. 5. All appeals from the judgment of the recorder's court, if arising under ordinances of the city, shall be to the Probate Court of the county, but no such appeal shall be allowed by the recorder, unless the defendant give good and sufficient security, to be approved by the recorder, for the payment of the costs of said appeal, if it shall be determined against the appellant. Of appeals.

SEC. 6. Any person brought before the recorder charged with any offence, under the ordinances of this city, wherein the penalty which may be imposed upon conviction, exceeds fifty dollars, shall be entitled, if he demand it, to a trial by jury of six citizens of this city: *Provided*, the person demanding such trial shall first pay into court the costs of such jury, said cost to be refunded to said person if he shall be acquitted. Jury may be demanded.

SEC. 7. Every person convicted before the recorder, of any offence, under the ordinances of the city, shall be punished by fine or imprisonment, as may be regulated by ordinance.

SEC. 8. In case of a vacancy occurring in the office of recorder, by death, resignation, or otherwise, as in case of sickness, absence, interest, or disability of such recorder, to perform his duty, it shall be the duty of any acting justice of the peace of the township, who may be designated by the mayor to perform the same during such vacancy, absence or disability. In case of vacancy

ARTICLE VI.

SEC. 1. The marshal shall execute, either by himself or deputy, all writs, process, and other papers issued by the recorder; he shall also have power and authority to serve any and all other writs issued to him by any judicial officer within the city. He is hereby declared a constable, and is hereby vested with all the rights, powers and jurisdiction by law conferred on a constable of a township, and for all services performed by him, shall be entitled to the same fees as are by law allowed to constables. Marshal—his duties and powers.

Same.

SEC. 2. The marshal shall perform all such duties as are by ordinance imposed upon him. He shall be a conservator of the peace, shall be vigilant and active in the suppression of all riots, mobs, and disorderly conduct in the city, and for this purpose may arrest suspicious and disorderly persons, even without process, and take them before the recorder for trial and examination. He shall have power to commit disorderly persons to the city prison, or other place of safe keeping, until examination or trial can be had; and shall be chief of the police of the city, subject to the general control and supervision of the mayor.

Shall be collector of taxes.

SEC. 3. He shall, by virtue of his office, be collector of the taxes and all revenues within the city, and shall give such bond and security for the performance of his duties as marshal, as may be prescribed by the city council.

May appoint deputies.

SEC. 4. The marshal shall have power to appoint one or more deputies, subject to such regulations as may be prescribed by ordinance.

ARTICLE VII.

Council have power to levy and collect taxes.

SEC. 1. The city council shall have power to levy and collect taxes upon all real and personal property within the limits of the city, for the purpose of general revenue, not to exceed one-half of one per cent. upon the assessed value thereof, in each year in any manner, to be previously provided by ordinance.

Of sale of real estate for taxes

SEC. 2. To provide for the sale of real estate for the non-payment of any taxes due therein, and for the time and manner of the redemption of the same: *Provided*, that the owner thereof, may redeem the same, at any time within two years thereafter, by the payment of the full amount of said tax, and all taxes subsequently paid therein by the purchaser, and all costs therein, together with twenty-five per cent. per annum thereon.

Poll tax.

SEC. 3. To impose a poll tax, not exceeding one dollar, on all able bodied male persons over the age of twenty-one, and under fifty years of age.

License tax.

SEC. 4. To levy and collect a license tax on auctioneers, taverns, hawkers, pedlers, dramshops, liquor sellers, pawnbrokers, shows and exhibitions for pay; billiard tables, ball and ten pin alleys, or any number of pins the same may have, hacks, drays, wagons, or other vehicles, used within the city for pay; theaters, and theatrical exhibitions for pay.

SEC. 5. To restrain, prohibit and suppress tippling shops, billiard tables, ten pin alleys, ball alleys, houses of prostitution,

and other disorderly houses and practices, gaming and gaming houses, and all kinds of public indecencies, and to prevent swine from running at large. Power to restrain and prohibit tippling shops, &c.

SEC. 6. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws, for that purpose, and enforce the same within five miles of the city. To prevent the introduction of contagious diseases.

SEC. 7. To erect, establish, and regulate hospitals, work-houses and poor-houses, and provide for the government and support of the same. To erect hospitals, &c.

SEC. 8. To make regulations to secure the general health of the city, and to prevent, and remove nuisances and to provide the city with water. To prevent nuisances, &c.

SEC. 9. To open, widen, extend, grade, pave or otherwise improve and keep in repair the streets, alleys, and public grounds of the city. To improve streets, &c.

SEC. 10. To establish, regulate, support night watch, and police, and define the powers and duties of the same. To establish night watch.

SEC. 11. To provide for lighting the streets, and the erection of lamp posts. To light the streets.

SEC. 12. To erect and establish market houses, and market places, and to regulate and govern the same, and to provide for the erection of all other useful and necessary buildings for the use of the city. To erect market houses, &c.

SEC. 13. To provide for and cause to be taken the enumeration of the inhabitants. To cause the enumeration of inhabitants to be taken.

SEC. 14. To provide by ordinance for the election of city officers, prescribing the manner of conducting the same, and the returns thereof, and for deciding contested elections. To provide for election of city officers.

SEC. 15. To provide for removing officers of this city, for misconduct, and for the appointment of officers, their duty and compensation, not provided for in the charter. To provide for removing officers.

SEC. 16. To regulate the police of the city, and to impose fines, forfeitures, and penalties for the breach of any ordinance, and also for the recovery and collection of the same, and in default of payment to provide for confinement in the city prison, or at hard labor in the city. To regulate police, &c.

SEC. 17. To regulate and prescribe the powers and duties, and compensation of the officers of the city. To regulate powers, duties &c., of officers.

SEC. 18. To require from all officers and servants, elected or appointed in pursuance of this charter, bonds and security for the faithful performance of their duties. To require bonds from officers.

SEC. 19. To borrow money on the credit of the city, and

To borrow money.

pledge the revenues and public property for the payment thereof: *Provided*, there shall not be paid directly or indirectly a greater rate of interest, than ten per cent. per annum; nor shall a greater debt be contracted than twenty-five thousand dollars, unless a two-thirds majority of the qualified voters of said city, at a poll to be opened for that purpose, shall authorize the same.

To appropriate money, &c.

SEC. 20. To appropriate money and provide for the payment of the debts and expenses of the city.

To divide the city into wards &c.

SEC. 21. To divide the city into wards, and apportion their representation in the city council, according to population.

Of ordinances.

SEC. 22. All ordinances of the city, shall be passed pursuant to such rules and regulations as the city council may provide, and all ordinances of the city may be proved by the certificate of the clerk, under the seal of the city, and when printed or published, in book or pamphlet form and purporting to be printed and published by authority of the city, shall be read and received in evidence in all courts and places, without further proof.

Council shall cause statement of expenses &c., to be published.

SEC. 23. The city council shall cause to be published, once in each year, a statement of the receipts and expenditures of the city, and a statement of the financial condition of the city.

ARTICLE VIII.

Shall have power to open and widen any street &c.

SEC. 1. The city council shall have power to open and widen any street, avenue, alley, or lane, at their discretion, at any place, within the city, and to create or open any new street, avenue, alley, or lane, at their discretion.

When private property is taken for streets.

SEC. 2. When it shall be necessary to take any private property for opening, extending, widening or altering any street, avenue, alley or lane, the city shall make a just compensation therefor, to the person whose property is so taken.

Damages to be appraised.

SEC. 3. If the amount of such compensation cannot be agreed upon, the mayor shall appoint six disinterested freeholders of said city, who shall estimate and appraise the amount of such damages.

Appraisers to be sworn.

SEC. 4. The said jury of freeholders, before entering upon the discharge of their duties, shall each be sworn, to impartially assess the amount of said damages, and shall return their inquest in writing to the mayor, signed by each juror.

Their duty.

SEC. 5. In estimating the amount of said damages, the said jurors shall consider the benefit resulting from, as well as the loss, sustained by the owner.

SEC. 6. The city council shall have power by ordinances to

levy and collect a special tax on the real estate, lying on any street, avenue, alley or lane, in proportion to the respective value of each piece or parcel thereof, for the purpose of grading, paving, repairing, or otherwise improving said street, avenue, alley or lane.

Council may levy and collect a special tax.

SEC. 7. The city council shall have power, by ordinance, to levy and collect a special tax, on the holders of the lots on any street, avenue, alley or lane, according to the respective fronts owned by them, for the purpose of curbing and paving the side walks, and lighting such street, lane, avenue or alley, and for the purpose of paving, McAdamizing, repairing or otherwise improving said street, avenue, lane or alley.

Same.

SEC. 8. The citizens of the city of Lawrence, are hereby exempt from working on any road beyond the city limits, and from paying a road tax, for the construction of any road, without the city limits.

Citizens exempt from paying road tax &c

ARTICLE IX.

SEC. 1. The council of said city, are hereby authorized and required all [at] the expense of said city, to provide for the support of common schools therein.

Council authorized to provide for support of common schools.

SEC. 2. The city council of said city, shall have power, and they are hereby authorized to divide the city of Lawrence, by territorial limits, into school districts, in such manner as shall be most convenient, having due regard to the accommodation of all the citizens.

May divide the city into school districts.

SEC. 3. The city council are hereby authorized and required, to purchase in fee simple, or receive as a donation for the use of said city, and at the expense of the same, in each of said school districts, a suitable lot of land in some central and convenient situation, as a site for a school-house therein, and at any time thereafter to cause to be erected thereon a good and substantial school-house, and to defray the necessary expenses of the building and construction of said school-houses, as also to pay the purchase money for the lots of land, on which the same shall be erected. It shall be lawful, and it is hereby made the duty of said city council, annually to levy, or cause to be levied in addition to the other taxes of the city, a tax not greater than one mill on the dollar, upon all property in said city, liable to taxation, for city purposes; until a sufficient sum shall be raised and collected from such tax, to meet the expenses which shall be incurred for the purchase of lots of land, and for the erection of the school-houses aforesaid.

Of common schools.

May levy tax
for the support
of schools.

SEC. 4. That for the purpose of more effectually supporting common schools, in said city, and to secure the benefit and blessings of an education to all the children therein, it shall be the duty of the city council, and they are hereby authorized to levy and collect an annual tax of one mill on a dollar, upon all the property in said city, subject to taxation for city purposes, which tax shall be exclusively appropriated to defray the necessary expense of said schools.

Schools to be
free.

SEC. 5. That said schools in the several districts of said city, shall at all times be equally free, and accessible to all the children, not less than six nor more than twenty-one years old, who may reside therein, subject only to such regulations for their government and instruction as the trustees may from time to time prescribe.

Board of trustees
of common
schools.

SEC. 6. That at the next annual election for city officers in said city, and at each annual election thereafter the qualified voters of each ward, shall elect two judicious and competent persons, having the qualification of councilmen, as trustees of common schools, which trustees elected as aforesaid, shall constitute and be denominated the board of trustees of common schools in Lawrence, who shall hold their office for one year, and until their successors shall be elected and qualified, and fill all vacancies that may occur, in their own body during the time for which they shall be elected, subject to the confirmation of the city council.

Powers of the
board.

SEC. 7. Said board shall have general superintendence of all the common schools, in said city, and from time to time make such regulations for the government and instruction of the children therein, as shall appear proper and expedient. They shall appoint and employ the teachers and instructors for the same, and visit each and every such school as often as once in every month. They shall cause a school to be kept in each district, for the term of six months at least in each year. They shall certify to the city council the correctness of all accounts for expenses, incurred in the support of said schools, and give the teachers employed therein, certificates of the amount due for such services. They shall, at the close of every current year, report to the city council the state and condition of the several schools in said city, as well the fiscal as the other concerns, in relation thereto, and a particular account of the administration thereof: *Provided*, that no person shall be employed, as a teacher in any of said schools, until he or she shall have been first examined by the board of examiners hereinafter mentioned, and have obtained

from said board a certificate of qualifications as to his or her competency and moral character.

SEC. 8. All moneys levied and collected in said city for the support of common schools, shall be paid into the city treasury, which money shall be kept in the city treasury, as a separate and distinct fund, and the same shall not be applied, under any pretence whatever, to any other use, than that for which it was levied and collected; and separate and particular accounts of the receipts and expenditures thereof, shall be kept by the treasurer, in a book to be provided for that purpose.

Of moneys levied and collected for school purposes

SEC. 9. A majority of all the members of said board, shall constitute a quorum for transacting the business thereof.

Quorum.

SEC. 10. If any member of said board shall absent himself from the regular meetings of said board, for six successive weeks, unless by reason of sickness or absence from this city, or by consent of said board, his seat shall be declared vacant.

A member's seat may be declared vacant, when.

SEC. 11. That it shall be the duty of the city council, to appoint five persons, residents and citizens of said city, of competent learning and abilities, as examiners of said schools, and of the qualifications of the teachers thereof, who shall be denominated, "The Board of Examiners of Common Schools in Lawrence," who shall hold their office for two years; and all vacancies in said board shall be filled by the city council, as they may occur.

Board of examiners to be appointed.

SEC. 12. That it shall be the duty of said board of examiners, to examine the qualifications, competency and moral character of all persons desirous of becoming teachers in said schools, or any of them, a majority of whom, can grant certificates thereof, to such as in their opinion may be entitled to receive the same. They shall from time to time strictly examine all said schools, the discipline and course of instruction in each, and shall make a report of all their proceedings, and of all matters pertaining to the duties of their office, as often as once in each year to the city council.

Duty of board of examiners.

SEC. 13. The said city council shall fix by ordinance, such rules and regulations, for the government of such schools, under the boards of trustees and examiners, as may be necessary to carry out the provisions of this Act, fully into effect.

Council shall fix rules &c., for the government of schools

SEC. 14. That all the ordinances and by-laws of said city, now in force, shall be in full force and effect, under this Act, and all rights acquired under said Act, are hereby confirmed and continued by this Act.

Ordinances &c. confirmed.

Officers to be appointed.

SEC. 15. That all officers in said city, provided for in this Act, which were not provided for in the act to which this is amendatory, shall be filled by appointment of the city council: *Provided*, that the number of councilmen shall not be increased until the next annual election for city officers. All acts and parts of acts inconsistent with this Act, are hereby repealed.

Proviso.

This act a public act.

SEC. 16. This Act is hereby declared a public act, and shall be in full force from and [after] its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives

C. W. BABCOCK,

President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXXXIII.

CITY OF LECOMPTON.

AN ACT to amend An Act, entitled "An Act to Incorporate the City of Lecompton."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Situation of Lecompton.

SECTION 1. That all that portion of land in Douglas county, Kansas Territory described, as follows, viz. : Lots one and two in section thirty-four ; lot one in section thirty-five, in township eleven ; lots numbers one and two in section three ; lot three in section two ; the south-east fractional quarter of section three, and the north-west fractional quarter of section two, in township twelve ; all in range eighteen east, together with the freeholders and inhabitants residing thereon, shall constitute a body corporate by the name of, and be known as the city of Lecompton, and shall be in law capable of purchasing, holding, receiving and conveying any real or personal estate for the use of said city. Said corporation may sue and be sued in any court, may make and use a common seal, and alter the same, and may have and exercise such other powers as may be conferred by law, or as shall be necessary to carry such powers into effect ; and whenever said corporation, or the officers thereof, shall commence,

Powers.

prosecute or defend, any suit, proceeding or action, it shall be in their corporate name.

SEC. 2. That the officers of the city, shall be a mayor, five councilmen, one treasurer, one clerk, one police constable, who shall also be collector of taxes and assessments, one police justice and three assessors, all of whom shall be elected by ballot, by the electors of said city, and hold their offices respectively for one year, and until their successors shall be duly qualified. No person shall be eligible or appointed to any office, unless he shall at the time, be a resident and elector of said city; and when any officer shall cease to be a resident thereof, his office shall thereby be vacated.

Officers of the city.

SEC. 3. That an election shall be held in said city on the third Tuesday in February, 1858, for the election of the aforesaid officers, at such place and time of day, as the inspectors hereinafter named shall designate, and of which the inspectors shall give at least six days notice by posting written or printed notices of the same in six different places in said city, and by publishing the same in the city newspapers.

Election to be held.

SEC. 4. That Silas O. Hemenway, James S. Rucker and B. C. Brooke, shall be the inspectors of the first election to be held under this Act, on the third Tuesday in February, 1858. Such election shall be held and conducted, and the votes given thereat, canvassed by the said inspectors, and the result declared in the manner prescribed in this Act for other elections, so far as the same is practicable; and in case any of the above named persons shall be unable or refuse to serve as such inspector, then the remaining persons so named are hereby empowered and required to fill the vacancy caused by such inability or refusal to serve at such election.

Names of inspectors of election.

SEC. 5. That every person who shall have been a resident of said city for thirty days next preceding any election held under this Act, and possessing the qualifications prescribed by law to authorize him to vote for members of the Legislature, may vote at any election held in pursuance of this Act, but no person shall vote upon any proposition to raise a tax, or appropriate the same at any meeting or election, unless he shall at the time be liable to be assessed for such tax.

Qualification of voters.

SEC. 6. That an election shall be held on the first Tuesday of May, 1860, and on the same day in each and every year thereafter for the elective officers named in this Act, and the common council of said city or any three of them for the time being, shall

Election to be held in 1860.

be inspectors of such election, and shall give notice thereof in the manner prescribed in the third section of this Act, they shall declare the persons receiving the greatest number of votes duly elected to the respective offices for which they were chosen, and give a certificate of such result signed by them, to the clerk of the corporation, who shall file said certificate, and record the same in the book containing the proceedings of the board of councilmen, which record shall be sufficient evidence of such result.

Power &c. of inspectors.

SEC. 7. That all laws relating to general elections for territorial officers, as far as the same shall be applicable, shall be deemed to apply to all sections authorized by this Act, and the inspectors of all elections under this Act shall have the same power and authority in all respects, as near as may be, as judges of elections in this Territory now possess. The presiding officers at all such elections, are authorized to preserve order, and to judge of the qualifications of electors, and refuse to permit all persons to vote, not deemed by them legally qualified.

Vacancy how filled.

SEC. 8. That if any vacancy shall happen in any office, (the mayor and councilmen, three of whom shall constitute a quorum to transact all business,) may appoint an elector of the city to fill the vacancy; and the person so appointed, shall hold the office until the election and qualification of a successor at the next annual meeting.

Common council.

SEC. 9. That the mayor and councilmen shall be termed and denominated the common council.

Officers to subscribe an oath.

SEC. 10. That every person who shall be elected or appointed to any office, shall, before he enters upon the duties thereof, take and subscribe an oath to support the constitution of the United States, and faithfully discharge the duties of his office according to the best of his ability, which shall be filed with the clerk of the corporation, and may be taken before and certified to by any officer authorized to administer oaths.

Persons failing to take oath.

SEC. 11. That if any person who shall have been duly elected or appointed to any office, in said city, shall, for five days after being notified of such election or appointment, neglect or refuse to take the oath of office, or file the same with the clerk, he shall for such neglect or refusal, forfeit to the use of the corporation, the sum of twenty dollars with costs of suit, recoverable by and in the name of said corporation.

Penalty.

SEC. 12. That it shall be the duty of the mayor to preside at

the meetings of the common council, to call special meetings whenever he shall think proper, to receive complaints of any breach of any of the by-laws, rules, regulations and ordinances, and to see that the by-laws, rules, regulations and ordinances are faithfully executed and observed, and to prosecute, in the corporate name of the city, for all offences against the same.

Duties of mayor.

SEC. 13. That it shall be the duty of the clerk of said corporation to keep the books, papers and records belonging thereto; to record in a book to be provided for that purpose, the rules, votes, orders, regulations and proceedings of the inhabitants, at their annual and special meetings, and also all the by-laws, votes and ordinances and proceedings of the common council; to notify officers of their election or appointment, as soon as may be after their election or appointment, and to perform such other duties as the common council may from time to time require of him, and the said common council may allow him such compensation for his services as they may deem proper, but none of the councilmen shall receive any compensation for their services, as such under this Act.

Duties of clerk

SEC. 14. That the treasurer and police constable, and police justice, and each of them shall before they enter upon the duties of their respective offices, execute a bond to the corporation by its corporate name, in such sum and with such sureties as the common council shall approve, conditioned that they shall faithfully execute, the duties of their respective offices, account for, and pay over all moneys received by them respectively, according to law, which bonds, with the approval of the mayor, endorsed thereon, shall be filed with the clerk of said corporation.

Officers to execute bonds.

Conditions.

SEC. 15. That the treasurer shall receive all moneys belonging to the city, and keep an account of all receipts and expenditures. All moneys drawn from the treasury, shall be drawn in pursuance of an order of the common council, by warrant signed by the clerk, and countersigned by the mayor or the presiding officer for the time being, of the common council. The clerk shall keep an accurate account, under the appropriate heads of expenditures, of all orders drawn on the treasury, in a check-book to be kept by him for that purpose. The treasurer shall exhibit and report to the common council once in each year, and oftener if required by them, a full account of the receipts and expenditures, and also of the state of the treasury.

Duties of treasurer.

SEC. 16. That the police constable, shall, in addition to other powers herein conferred, have all the powers, and be subject to

Of police constable.

all the duties by law devolved or imposed upon constables in Douglas county.

Duties and powers of police justice.

SEC. 17. That the police justice shall possess the same powers in all criminal cases, be subject to the same duties and liabilities, and be entitled to the same fees, except as herein provided, as justices of the peace in townships. He shall reside and keep an office in the city of Lecompton. The fee of the police justice shall be collected in the same manner as those of justices of the peace in criminal cases, except that for all proceedings in relation to offences created by this Act, and all proceedings for the violation of any ordinance of the city, he shall receive such compensation as the common council shall ordain, and he shall within five days after the same shall have been received by him, pay to the treasurer of the city, all fines and penalties that may be collected by him, in any such proceedings.

Of disorderly persons.

SEC. 18. That all habitual drunkards in said city, shall be deemed vagrants; all persons who shall be intoxicated in the city under such circumstances as to amount to a violation of public decency, and all persons who shall be noisy, tumultuous or riotous conduct, disturb the people, and all persons who shall fight on, or in any street or public place in said city, are hereby declared disorderly persons, and may be proceeded against according to the provisions of this Act.

Powers of police justice.

SEC. 19. That the police justice shall have power in case of persons brought before him, charged with having committed any offence created by this Act, or for a violation of any ordinance of the city to proceed immediately and without jury, to try such persons, and hear and determine the alleged offences and charges; and in case any person shall be found guilty of having violated any ordinance of the city for which a penalty is imposed by the ordinance; said justice shall require such penalty with the costs and fees to be paid to him within twenty-four hours, and during that time the defendant shall remain in the custody of a constable; and if the penalty and costs and fees are not paid within that time, may order the defendant to be confined in the watch-house or lock-up, or county jail, for a time not exceeding thirty days, unless the penalty and costs and fees be sooner paid, and the police justice shall have power to order vagrants and disorderly persons within the meaning of this Act, who may have been brought before him for acts and offences committed within said city, to be confined in the watch-house or lock-up, for a time not exceeding ten days.

SEC. 20. That the police constable shall be keeper of the watch-house or lock-up, and have charge of the persons confined therein. He shall have power, without process, to arrest and bring before the police justice, or justice acting as such, persons guilty in his presence of violating the public peace, or any city ordinance, and all persons designated as vagrants or disorderly persons in this Act, who may be guilty of acts rendering them such in his presence. Every person so arrested, shall be immediately reported and brought before the police justice, or other justice authorized to act, who shall enter the fact and cause of the arrest in a book to be kept by him. The police constable shall be entitled to the same fees as other constables in criminal cases, and such additional compensation as the common council may by resolution provide.

Police constable to have charge of watch-house &c. Powers of constable.

SEC. 21. That in case of the absence from the city, inability to serve, or vacancy in the office of the police justice, any other justice of the peace, residing in Lecompton township, shall possess all the powers hereby conferred on the police justice.

Vacancy in office of police justice.

SEC. 22. That in the absence of the police constable, members of the common council, shall for the time being, be ex-officio constables, and shall each possess the same powers, as are by this Act conferred upon the police constable.

Councilmen shall be ex-officio constables.

SEC. 23. That the assessors shall perform all the duties in relation to the assessment of property in said city for the purpose of city taxation, and in all cases of taxation, shall have their assessment roll completed and returned to the clerk of said city, within thirty days after they shall have been notified of the levying of any tax.

Duties of assessors.

SEC. 24. That the common council shall meet at such places within said city and at such times as they by resolution shall direct ; they may also meet at any time and in any place, within said city, when called upon by the mayor, notified by the clerk, and the clerk may call special meetings at any time, on the written request of any two councilmen.

Of meetings of common council.

SEC. 25. That the mayor when present, shall preside at the meetings of the common council, and shall have on all questions a casting vote or ballot ; only in his absence any one of the councilmen may be appointed chairman for the time. A majority of the board shall constitute a quorum for the transaction of business.

Mayor shall preside.

SEC. 26. That the common council shall have the management and control of the finances and all the property both real

Powers of the common council.

and personal, belonging to said city, and shall have power and authority within said city to make, ordain, exact, establish, enforce, publish, modify, amend and repeal, rules, regulations, ordinances and by-laws for the following purposes: 1. To prevent vice and immorality, to preserve peace and good order, to prevent and quiet riots and disorderly assemblages. 2. To regulate the police of said city. 3. To restrain, suppress and prohibit disorderly drinking, tippling and gaming houses, to destroy instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices within said city. 4. To prohibit, restrain, and regulate all exhibitions of every kind, for money or hire, and to authorize the same on such terms as the common council shall deem expedient. 5. To suppress or restrain houses of ill fame, billiard tables, bowling alleys and gaming of any and all characters or kinds. 6. To direct the location of all slaughter houses, and to provide for the abatement of all nuisances. 7. To prevent horse racing, and immoderate driving or riding in any of the streets of said city, by any person, and to prevent the incumbering of any street, sidewalk or alley. 8. To cause to be established and erected a public pound to restrain the running at large, horses, cattle and swine, and to authorize the distraining, impounding and sale of the same, for the penalty and costs of proceedings and keeping same. 9. To prevent any person from bringing and disposing within the limits of said city, any decayed carcass or other unwholesome substance, and to require the removal or destruction by any person, who shall have or leave in or upon his or her premises any putrid substance, meats or fish, and on default, the removal or destruction thereof by some officer of the city. 10. To dig, establish, make, regulate, and guard public reservoirs, pumps and wells, and prevent unnecessary waste of water. 11. To appoint, pound keepers, and regulate their pay and fees. 12. To restrain and regulate hawking and peddling in the streets. 13. To prescribe the duties of all officers appointed by the common council, and their compensation. 14. To establish and organize a fire department. [15.] 14. To provide for the preservation of shade and ornamented trees in all places in said city, and to prevent injury to same. [16.] 15. To provide for the construction and preservation of fences around any park or square, and to prevent injury to same. [17.] 16. To prevent injury to the park or other public grounds, and to provide for the improvement, adorning and beautifying same. [18.] 17. To prevent injuries to the cemeteries in said city, and

the defacement, injury, dispoilment, destruction, cutting, marring or marking of any tomb, tombstone, monument, or other memento, and of the trees, shrubs and plants therein. [19.]

18. To grade, pitch, level and repair, construct and make, (or cause the same to be done,) any street, lane, alley, sidewalk, crosswalk, bridge or sewer in said city.

SEC. 27. That the common council may also appoint a street commissioner, and such other officers as they may deem necessary. May appoint officers.

SEC. 28. That the said common council shall have power to determine, upon view or upon the testimony of witnesses who may be examined on oath before them, such oath to be administered by one of said common council, whether any building or other thing, structure or substance, within said city, is a nuisance, upon two days notice to the owner or occupant of the same, and to abate the same if determined to be a nuisance, by causing it to be removed, and shall have full power to enter the premises upon which the same is situated, and cause the same to be removed; and may also enforce the penalty imposed by any city ordinance in respect to such nuisance. Power to abate nuisances &c.

SEC. 29. That the said common council shall have power to enforce all provisions of this Act, and all rules, regulations, ordinances and by-laws by them enacted or ordained, by enacting or ordaining penalties to be incurred; for each and every violation of any one of the same, not exceeding one hundred dollars for any one offence, to be recovered with costs in the corporate name of said city, in any court having cognizance thereof; and no person shall be deemed incompetent, either as justice, judge, juror or witness, by reason of his being an inhabitant or owner of property in said city, upon any trial for the recovery thereof. Power to enforce ordinances &c.

SEC. 30. That every such rule, regulation, ordinance or by-law, shall take effect at such time after its passage and the publication thereof, as shall be therein provided, and shall be published at least two weeks successively in some newspaper printed in said city, and proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, shall be filed with the clerk of said city, and such affidavit or a copy thereof, certified by the clerk, under the seal of the city, shall be sufficient evidence of the legal publication and promulgation of such rules, regulation, ordinance or by-law, in all courts and places. Such publication may also be proved by any other competent evidence. Any action Of the taking effect of ordinances and manner of publication.

brought to recover any penalty, may be commenced by warrant or summons.

Manner of assessment of taxes.

SEC. 31. That the common council shall in each year before the first day of May, order the assessors to take and complete an assessment of the real and personal property in said city; said assessors shall thereupon proceed to take such assessment according to the actual value, and shall complete the same within the time expressed within the order, unless further time be granted. When said assessment is completed, the said assessors shall file the same with the city clerk; notice shall thereupon be given by said clerk, that said assessment has been completed, and filed as aforesaid, and that the same will remain for inspection until a time to be specified in said notice, not less than ten nor more than twenty days, from the first publication of said notice in some newspaper published in said city; and that the common council will meet at a time and place specified in such notice, to hear objections to and appeals from said assessment. Any person deeming himself aggrieved by said assessment, may appeal to the common council, and said common council shall at the time specified in said notice, or at some other time to be fixed by them, proceed to examine into the appeal, and shall do as shall seem to them just in the premises; and their decision thereon, or of a majority of them, shall be final.

Council may raise a sum for contingent expenses &c.

SEC. 32. That the common council of said city, or a majority thereof, may cause to be raised a sum not exceeding two thousand dollars in any one year, for defraying all the contingent and other expenses of said city, not herein otherwise provided for, to be raised annually by a general tax. A further sum or sums, not exceeding two thousand dollars, in any one year, may be raised by such general tax: *Provided*, that a majority of the inhabitants liable to taxation in said city, assembled at such annual meeting, at the time of taking a vote thereon, shall vote to raise such tax.

Of assessment and collection of tax.

SEC. 33. That the tax so directed to be raised shall be assessed by the assessors, on the order of the mayor, and within the time fixed in said order, or such further time as may be allowed, on the taxable real and personal property in said city, according to the valuation of the same, in the last assessment roll of said city. When said assessment is completed, the roll shall be delivered to the collector forthwith, with a warrant thereto annexed, under the seal of the city, signed by the mayor, and countersigned by the clerk, commanding the collector to levy and collect the several sums in the roll specified, as assessed against

the persons or property therein mentioned or described, and to return said warrant and roll within forty days after the date of the warrant. All moneys collected by said collector, shall be immediately paid over to the city treasurer.

SEC. 34. That the common council may, at any time, cause any street, lane, alley or highway, in said city, to be cleared, graveled, paved, McAdamized or graveled, and cross and sidewalks, bridges, drains and sewers, to be constructed therein; and after the same is done, shall cause the same to be kept in repair. All the expenses of such improvements shall be assessed on the real estate in said city deemed benefited thereby, in proportion to the benefits resulting thereto, as near as may be. The common council shall determine the amount to be assessed for all such improvements, and shall direct the assessors of said city to make such assessment. The said assessors, before making any assessment, shall be sworn to execute their duties impartially, according to the best of their ability. They shall view the premises, may hear the proofs and allegations of parties, and for that purpose may administer oaths to witnesses. They shall make an assessment roll, briefly describing the land on which any assessment is made, and assess the amount fixed by the common council on the property benefited, as equitably as they can. When their roll is completed, they shall give public notice thereof. Said notice shall specify a place and time, not less than six days from the first publication of said notice, when said assessors will meet to review their assessment; and on such review they may hear further proofs and allegations, and correct their assessment as they may deem just and equitable. Such reviewed assessment shall be final and conclusive. They shall, within forty days from the time of receiving notice of the levying of any tax by the board of councilmen, complete and sign their roll, and file the same with the clerk.

Council may cause streets, lanes, alleys, &c., to be cleared, paved &c.

Expenses of improvements, how paid.

Assessors to be sworn.

Their duty.

SEC. 35. That in assessing any tax, when the name of the owner or owners of any real estate is not known to the assessors, said tax may be assessed to such real estate describing it by the number of the lot and block, or in any other manner. Such assessment so made shall be published for three successive weeks in at least three papers in this Territory, which publication shall be deemed and held as sufficient notification, to all owners of property so assessed, of such assessment.

When owner of property is not known.

SEC. 36. That every tax and assessment, for whatever purpose imposed or charged on any real estate within said city, by virtue

Tax to be a lien on the real estate.

of this Act, shall be a lien upon the real estate upon which it is levied or imposed; and whenever a collector shall upon the return of any warrant for the collection of such taxes, state on oath that he could not, previous to the return of any such warrant, find any property except the real estate, taxed, within said city, out of which he could collect any such tax; and if any such tax or assessment be returned unpaid by any officer authorized to collect the same, the mayor and common council may sell or cause to be sold, the real estate upon which such tax so remaining unpaid was assessed in the manner hereinafter provided.

May sell property for taxes.

Notice of sale.

SEC. 37. That notice of such sale shall be given by publishing the same once in each week, for four successive weeks, in at least three newspapers printed in the Territory of Kansas, and by posting the same in at least three public places, in said city; such notice shall specify the time and place of such sale, the number of the lot to be sold, and the block in which the same is situated.

Sale may be stopped, how.

SEC. 38. That the sale of any real estate may be stopped at any time before sale by the owner thereof, or his agent or attorney, paying the amount of said tax and interest; the expenses of advertising, and fifty cents for officers fees; but if such tax interest and expenses are not paid before the time of sale mentioned in said notice, the real estate advertised shall be sold to the highest bidder. Two certificates of the sale, of each parcel sold shall be made, one of which shall be filed by the officer conducting such sale, with the city clerk, and the other delivered to the purchaser. Such certificate shall contain a description of the property, and state the amount of the tax, interest and expense, for which it was sold.

Owner may redeem, when.

SEC. 39. That any owner of any real estate so sold may, at any time within one year after such sale, redeem the same by paying to the purchaser, his assigns or legal representatives, or to the city treasurer for his or their benefit, the amount paid by him, with the amount of twenty per centum per annum interest thereon; and on such payment, the title acquired by such sale shall cease and determine. If the owner of any real estate so sold as above, hereinbefore provided, shall not redeem the same within the time prescribed, his rights of redemption shall be thenceforth divested and forever barred.

If not redeemed in one year.

SEC. 40. That if any real estate so sold shall not be redeemed in one year after such sale, the mayor of said city shall execute and deliver to the purchaser a deed, under the corporate seal, signed by the mayor and attested by the clerk, of said real es-

tate so sold, which deed may be recorded as other deeds of real estate, and shall vest in the grantee the fee simple of said real estate; and said deed, when so signed, attested and recorded, shall be presumptive evidence in all courts and places, that such tax was legally imposed, and that all proceedings connected therewith were correct and regular.

SEC. 41. That the said city shall constitute a highway district, and the common council of said city shall have the entire control and jurisdiction of all roads, bridges and streets therein, and shall have power to assess a tax in addition to the other taxes authorized in this Act, to be denominated a poll tax, of one dollar each per capita, upon every male citizen over twenty-one years of age, who may be a resident of said city at the time of levying said tax.

City shall constitute a highway district.

SEC. 42. That if any person shall refuse to pay any poll tax assessed to him, on demand thereof, the collector may bring a suit against him in the corporate name of the city, which suit may be commenced by summons returnable forthwith, before any justice of the peace in Douglas county, for the recovery of the tax so assessed, with the costs of suit; and the collector or any member of the common council shall, by virtue of this Act, be authorized to appear and conduct such suit on behalf of the corporation, without any warrant of attorney therefor; and upon judgment being recovered in any such action, such justice, before whom the same is recovered, may issue an execution to any constable in said county, who is hereby authorized to collect the same in the manner provided by law for the collection of debts.

If any person refuse to pay poll tax.

SEC. 43. That in any suit brought for the collection of any tax, the tax roll filed with the clerk, or the duplicate in the hands of the collector shall, in all cases, be sufficient evidence on behalf of the corporation, that such tax has been duly assessed against the persons whose names and taxes are assessed upon said roll.

Tax roll sufficient evidence in suits for taxes.

SEC. 44. That the common council of said city shall have the exclusive power, within its corporate limits, to license such and so many discreet and proper persons as said common council may deem proper, to sell distilled or fermented liquors in quantities not less than five gallons; but not to be drunk in their stores, shops, out houses, yards, or upon their premises; and the sum to be paid for such license shall not be less than twenty-five dollars, nor more than fifty dollars, as such common council shall determine; but no such license shall be granted until the applicant therefor shall pay in advance the sum so determined upon

Council have exclusive power to license, &c.

by the common council, and shall file with the clerk of the city a bond, executed by the person taking such license, with one or more sufficient sureties, to be approved by the mayor of the city, in the penalty of five hundred dollars, conditional that he will not sell or suffer to be sold any distilled or fermented liquors, to be drank in his shop or house, store, out houses, or upon his premises, and that he will not suffer his shop, store, house or grocery to become disorderly, and that he will not sell any spirituous or fermented liquors to any minor under the age of eighteen years, nor to any person when manifestly intoxicated, or to any habitual drunkard.

Of licenses, &c

SEC. 45. That the common council shall have the exclusive right to license to keep taverns and saloons or recesses, within the corporate limits of said city, with the right to sell distilled or fermented liquors, to be drank in such taverns, saloons or recesses, such and so many discreet, competent and proper persons as said common council shall deem best and expedient; and the sum to be paid for such license shall not be less than twenty-five dollars, nor more than one hundred dollars, at the option of said common council. The license mentioned in this and the preceding section to continue in force one year only, unless sooner forfeited or revoked, and in all cases must specify the person to whom and the place for which it is granted, and shall not be assignable or transferable; and shall [not] be granted for taverns or saloons or recesses until the following conditions are complied with: 1. By payment in advance of the sum to be determined by the common council, for each bar that may be kept in any tavern, saloon or recess so licensed. 2. By filing with the clerk of the city a bond, executed by the person taking the license, with two sufficient sureties, to be approved by the mayor, in the penalty of five hundred dollars, conditioned that no distilled or fermented liquors shall be sold by the person, or in the place so licensed, to any minor under the age of eighteen years, or to any person manifestly intoxicated, or to an habitual drunkard, and that the place so licensed shall be kept in a decent, quiet and orderly manner; that no gambling or playing upon billiard tables or ball alleys, with cards or other device for gaming, be permitted therein, or in any building appertaining thereto.

Penalty for violation of conditions of license.

SEC. 46. That whoever shall do any act, or do or cause or permit to be done any act in violation of any of the conditions of either the license or bond mentioned in sections forty-four and

forty-five of this Act, shall for each such offence or violation forfeit the sum of twenty dollars, and shall be deemed to have forfeited his license.

SEC. 47. That whoever shall sell, within the bounds of said city, any fermented or distilled liquors, without having a license therefor, as in this Act provided, shall for each offence forfeit the sum of twenty dollars.

Penalty for selling without license.

SEC. 48. That prosecutions for any fine, penalty or forfeiture provided for or imposed by this Act, shall be brought in the name of the city of Lecompton, and be commenced and carried on before any justice of the peace. The mayor or any member of the common council shall have full authority to appear, prosecute or answer and defend for the said corporation, without any letter or warrant of attorney therefor.

Prosecutions, how brought.

SEC. 49. That in any action brought by or in the name of said corporation, to recover any penalty or forfeiture imposed by this Act, or which may be imposed or given by any rule, regulation, ordinance or by-law, passed, ordained or enacted by the common council, it shall be sufficient in all cases, without setting forth any special matter, to allege in the complaint, that the defendant is indebted to said corporation in the amount of such penalty or forfeiture, whereby an action hath occurred, according to the provisions of this Act, naming the subject thereof, and referring to the title and section, or according to the rules, regulations, ordinances or by-laws of said city, naming the subject thereof, and referring briefly to the section, by-law or ordinance, for a violation of which the action is brought, and also the date of its passage by said common council; and the process for the commencement of any such action may be by summons, and shall have an endorsement thereon, to the effect that it is issued to enforce a penalty imposed in accordance with the provisions of the act amending an act incorporating the city of Lecompton, and no other endorsement thereon shall be necessary.

Of actions to recover penalties, &c.

SEC. 50. That this Act is hereby declared a public act, and all courts shall be bound to take judicial notice of the same and all the provisions thereof.

This Act a public act.

SEC. 51. That in addition to the special powers conferred upon the common council of said corporation by virtue of this Act, they shall have such other and general powers as may be necessary for the carrying out of the provisions of this Act.

Powers conferred on council.

SEC. 52. That the common council shall have power to remit any poll tax levied upon any poor or indigent person, and to dis-

Same.

charge him from the payment thereof. They shall also have full power, in all cases, to correct the tax and assessment roll, when it shall appear clear to them that any mistake has been made therein, in the description of property or in any other manner.

Acts repealed.

SEC. 53. That all acts and parts of acts heretofore framed inconsistent with the provisions of this Act, are hereby repealed.

This Act shall take effect immediately.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXXXIV.

CITY OF LEAVENWORTH.

AN ACT to Incorporate and Establish the City of Leavenworth, Kansas Territory, and for revising and repealing all Laws and parts of Laws heretofore enacted on that subject.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

ARTICLE I.

Situation of
Leavenworth
city.

SECTION 1. That all that district of country described as follows, to wit: Beginning at the point in the Missouri river, in the middle of the main channel, opposite to where the southern line of the United States Military Reserve, around Fort Leavenworth, strikes the Missouri river, running thence a westerly course with the south line of said reserve, to the intersection of said line with the section line running north and south, between sections 27 and 28, in township 8 south, range 22 east of 6 principal meridian; following said range line between sections 27 and 28, and 33 and 34, in said township, and sections 3 and 4 in township 9 south, range 22 east of said meridian, to the corner of sections 3, 4, 9, 10, in said last mentioned township; thence east, in the line dividing sections 3 and 10, sections 2 and 11, sections 1 and 12, until said line intersects the middle of the main channel of the Missouri river; thence northerly, up the

Missouri river in the middle of the main channel thereof, to the place of beginning, is hereby erected into a city by the name of the City of Leavenworth, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name and style of the City of Leavenworth, and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended in any and all courts of law or equity, and in all actions whatsoever, may contract and be contracted with, may purchase, receive and hold property, both real and personal, within said city, and may sell, lease, convey, or otherwise dispose of the same for the benefit of the city; may purchase, receive, hold, lease or convey property, both personal or mixed, beyond the limits of the city, to be used for the burial of the dead, for the erection of water-works, for the establishment of hospitals, poor-houses, work-houses, houses of correction, or for any purpose which may tend to the general good of the city, and may have a common seal and change the same at pleasure.

Incorporated.

Powers of corporation.

SEC. 2. That the corporate powers and duties of said city shall be vested in a mayor and board of councilmen, to be styled the City Council of the City of Leavenworth.

City officers.

SEC. 3. That the inhabitants of said city, by the name and style aforesaid, shall have power to provide and establish, by ordinance, all necessary organic and municipal laws, rules and regulations, for the government of the inhabitants and enforcing the same; to pass all ordinances that may be necessary to carry any of the provisions of this charter into effect, to pass any ordinance necessary for the well being of the inhabitants, and pass and provide for the enforcement of any and all ordinances which may be deemed right and proper, and not inconsistent with the constitution of the United States and the Organic Act of this Territory.

Power to establish ordinances, &c.

SEC. 4. That the enacting clause of all ordinances shall be, "Be it ordained by the mayor and councilmen of the city of Leavenworth," and all ordinances shall be published in such manner as may be provided by ordinance prescribing the same, and no ordinance shall be enforced until so published.

Enacting of ordinances.

SEC. 5. That all free white male citizens of the United States, or who have lawfully declared their intention to become such, who are twenty-one years of age, and who shall have resided within the city limits three months next preceding any election, shall be deemed qualified electors of said city, in the ward [in] which they may reside.

Qualification of voters.

ARTICLE II.

Officers. SEC. 1. That the permanent officers of the city of Leavenworth shall be a mayor, twelve councilmen, city clerk, recorder, marshal, assessor, treasurer, attorney, city engineer, street commissioner, and such other officers as may be created or established by ordinance.

Eligibility to office. SEC. 2. That any person possessing the qualifications of an elector, shall be eligible to an election or appointment to any office in said city.

Annual election. SEC. 3. That the regular annual election for officers in said city, shall be held at such time and in such manner as may be fixed by ordinance, and at such places as may be designated by the mayor.

Officers to be elected. SEC. 4. That at each annual election there shall be chosen by the qualified electors of said city, the following officers, to wit: Mayor, twelve councilmen—to be elected by wards as may be established and apportioned by ordinance—city clerk, recorder, marshal, city attorney, assessor, treasurer and street commissioner. All other officers of the city shall be elected or appointed as may be determined by ordinance. All officers, so elected or appointed, shall hold their office for one year, and until their successors are elected or appointed according to law, and the provisions of any ordinance or ordinances touching such elections or appointments, unless sooner removed, in such manner and for such offences as may be prescribed by ordinance.

ARTICLE III.

City council. SEC. 1. That there shall be in said city a city council, which shall consist of a mayor and board of councilmen, which board shall consist of twelve members, said members to be chosen in the respective wards of the city, as they may be apportioned thereto by ordinance.

City to be divided into wards. SEC. 2. That the said city shall be divided by ordinance, into not less than two nor more than six wards, and the number of councilmen to be elected in each ward shall be established by ordinance, in proportion to the population of said wards respectively.

If officer remove from city, &c. SEC. 3. That if the mayor, or any other officer of this city, shall remove from the city, or any councilman shall remove from the ward from which he was elected, his office shall be thereby vacated.

SEC. 4. That the city council shall judge of the qualifications,

elections and returns of their members, and shall determine all contested elections in such manner as may be regulated by ordinance. Council to determine elections, &c.

SEC. 5. That a majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and shall have power to compel the attendance of absent members, under such penalty as may be provided by rules of the city council for their own government. Quorum

SEC. 6. That the city council shall have power to determine the rules of its proceedings, punish disorderly conduct, and, with the concurrence of two-thirds of its members, to expel any member. May expel a member.

SEC. 7. That the city council shall keep a journal of its proceedings, and from time to time publish the same, and the yeas and nays, when demanded by any member, shall be entered in the journal. Journal of council to be published.

SEC. 8. That no councilman shall be appointed, by the city council, to any office, under the authority of the city, during the time for which he was elected. No councilman shall be appointed to office.

SEC. 9. That all vacancies in the city council shall be filled by election by the people. Vacancies.

SEC. 10. That the mayor, members of the board of councilmen, and all other officers of the city, whether elected or appointed, before entering upon the duties of their office shall take and subscribe an oath that they will support the constitution of the United States, the Organic Law of this Territory, and will faithfully comply with the provisions of this charter, and will and truly perform the duties of their office impartially, and to the best of their skill and abilities. Officers to subscribe an oath.

ARTICLE IV.

SEC. 1. That the mayor shall preside at all meetings of the city council, and shall have a casting vote when the councilmen shall be equally divided, and none other; he shall sign all bills before they shall become ordinances, but may refuse or decline to sign any bill which he may deem inexpedient, or in violation of any provision of this charter, and, upon such refusal, shall, at or before the next regular meeting of the city council, after the passage of such bill, return the same with his objections thereto, in writing; thereupon the council shall reconsider said bill and dispose of it by yeas and nays entered upon their journal, and if a majority of the whole city council shall vote yea Duties of mayor.

on said bill, it shall become an ordinance without the signature of the mayor.

If he fail to return any bill.

SEC. 2. That if the mayor shall neglect or refuse to return to the council at its next regular meeting, any bill submitted to him for his signature, it shall become an ordinance without his signature.

Shall have control of all officers, &c.

SEC. 3. That the mayor shall have superintending control of all the officers and affairs of the city, and shall take care that the ordinances of the city, and this charter, are enforced and complied with.

Shall sign all commissions.

SEC. 4. That he shall sign the commissions or appointments of all the officers elected or appointed in the city government.

Shall be a conservator of the peace.

SEC. 5. That he shall be a conservator of the peace throughout the city, and for this purpose may appoint or dismiss at pleasure, any number of extra policemen as he may deem proper, and all such acts he shall report to the city council.

Shall recommend measures for the improvement of the city, &c.

SEC. 6. That he shall, from time to time, communicate to the city council such information, and recommend such measures, as in his opinion may tend to the improvement of the finances of the city, the police, health, security, ornament, comfort and general prosperity of the city.

Mayor shall call special meetings of the council.

SEC. 7. That the mayor, or any two councilmen, shall have power to call special meetings of the city council, the object of which shall be submitted to the council in writing, and the call and object, as well as the disposition thereof, shall be entered upon the journal by the clerk.

May require officers to exhibit their accounts, &c.

SEC. 8. That the mayor shall have power, when he deems it necessary, to require any officer of the city to exhibit his account or other papers, and to make report to the council, in writing, touching any subject or matter he may require, pertaining to his office.

Shall enforce laws, &c.

SEC. 9. That the mayor shall be active and vigilant in enforcing all laws and ordinances for the government of said city, and he shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; he shall have such jurisdiction as may be vested in him by ordinance, over all places within five miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulations thereof.

President pro tem.

SEC. 10. That at the first meeting of the city council, after any general election for city officers, the board of councilmen shall elect from their own number a president *pro tem.*, who shall, in the absence of the mayor, preside over the city council.

SEC. 11. That when any vacancy shall happen in the office of mayor, by death, resignation, absence from the city, removal from office, refusal to qualify, or otherwise, the president of the council for the time being, shall exercise the office of mayor, with all the rights, privileges and jurisdiction of the regular mayor, until such vacancy be filled or such disability removed; or, in case of temporary absence, until the mayor shall return; and during the time, he shall receive the same compensation that the mayor would have been entitled to; and in case of such vacancy other than a temporary absence or disability, the person exercising the office of mayor shall cause a new election to be held, giving ten days notice thereof by proclamation.

Of vacancy in office of mayor.

New election.

SEC. 12. That the mayor, by and with the advice and consent of the board of councilmen, shall have power to fill all offices within the city, which are not ordered by law or ordinance to be elected, and to remove from office any person holding an office created by ordinance.

Mayor may appoint and remove officers.

SEC. 13. That he shall have power to fill all vacancies in any office except that of councilman, until the end of the session of the council, which shall occur next after such vacancy; to remit fines and forfeitures, to grant reprieves and pardons.

May fill vacancies, excepting councilmen.

SEC. 14. That the mayor of said city is hereby authorized to administer oaths, to take depositions and acknowledgments of deeds, mortgages and all other instruments of writing affecting the title of real estate, and certify the same under the seal of the city, and the same shall be received as valid throughout the Territory.

Authorized to administer oaths, &c.

SEC. 15. That at the first meeting of the city council, after any general election for city officers, they shall cause to be made out and certified by their clerk, the election and qualification of the mayor, and within ten days thereafter he shall cause the same to be recorded in the recorder's office of the county, and a neglect of the mayor elect to qualify and cause the same to be recorded, for the space of ten days, shall be deemed a refusal to accept.

Of the qualification of the mayor.

SEC. 16. That the mayor is hereby authorized to call on every male inhabitant of the city, over eighteen years of age, to aid in enforcing the laws and ordinances of said city, and in case of necessity, to call out the militia within said city, to aid in the suppression of any riot, or in the enforcement of any ordinance; and any person who shall not obey such call, shall forfeit to said city a fine not exceeding five hundred dollars.

Mayor may call on inhabitants to aid in enforcing the laws.

ARTICLE V.

Jurisdiction,
&c. of recorder.

SEC. 1. That the recorder shall have exclusive original criminal jurisdiction of all offences arising under the ordinances of this city, and the person holding the office of recorder in the said city of Leavenworth, is hereby declared a justice of the peace, and shall have all the powers and jurisdiction of [a justice of the peace,] in civil cases, and exclusive original jurisdiction in all cases arising within this city.

His duties.

SEC. 2. That he shall be a conservator of the peace, and his court shall be open every day, except Sundays, to hear, try and determine all cases wherein a breach of any ordinance of the city is charged, and he shall have power to issue all necessary process to bring parties before him, forthwith, for trial.

Fees.

SEC. 3. That he shall be entitled to the same fees as are by law allowed to a justice of the peace.

Appeal may be taken.

SEC. 4. That in all cases before the recorder, arising under any ordinance of this city, an appeal may be taken on a final judgment, wherein the amount, exclusive of costs, exceeds twenty dollars, and in all cases before the recorder under the laws of this Territory, the same right of appeal as is by law allowed in justices' courts.

Of appeals.

SEC. 5. That all appeals from the judgment of the recorder's court, if arising under ordinances of the city, shall be to the mayor's court; but no such appeal shall be allowed by the recorder, unless the defendant give good and sufficient security, to be approved by the recorder, for the payment of the costs of said appeal, if it should be determined against the appellant. All appeals from a judgment of the recorder's court, in cases arising under the laws of the Territory, shall be to the Probate Court of the county.

Trial by jury may be demanded.

SEC. 6. That any person brought before the recorder charged with any offence, under the ordinances of this city, wherein the penalty which may be imposed upon conviction, exceeds fifty dollars, shall be entitled, if he demand it, to a trial by a jury of six citizens of this city: *Provided*, the person demanding such trial shall first pay into court the cost of such jury, said costs to be refunded to said person if he shall be acquitted.

Punishment.

SEC. 7. That any person convicted before the recorder of any offence, under the ordinance of the city, shall be punished by fine or imprisonment, as may be regulated by ordinance.

In case of vacancy.

SEC. 8. That in case of a vacancy occurring in the office of recorder, by death, resignation or otherwise, or in case of sick-

ness, absence, interest or disability of such recorder to perform his duty, it shall be the duty of any acting justice of the peace of the township, who may be designated by the mayor, to perform the same during such vacancy, absence or disability.

ARTICLE VI.

SEC. 1. That the marshal shall execute, either by himself or deputy, all writs, process and other papers, issued by the recorder; he shall also have power and authority to serve any and all writs issued to him by any judicial officer within the city. He is hereby declared a constable, and is hereby vested with all the rights, powers and jurisdiction by law conferred on a constable of a township, and for all services performed by him, shall be entitled to the same fees as are by law allowed to constables.

Marshal—his duties and powers.

SEC. 2. That the marshal shall perform all such duties as are by ordinance imposed upon him. He shall be a conservator of the peace, shall be vigilant and active in the suppression of all riots, mobs and disorderly conduct in the city, and for this purpose may arrest suspicious or disorderly persons, even without process, and take them before the recorder for trial and examination. He shall have power to commit disorderly persons to the city prison or other place of safe keeping, until examination or trial can be had, and shall be chief of the police of the city, subject to the general control and supervision of the mayor.

Same.

SEC. 3. That he shall, by virtue of his office, be collector of the taxes and all revenues within the city, and shall give such bond and security for the performance of his duties as marshal as may be prescribed by the city council.

Shall be collector of taxes.

SEC. 4. That the marshal shall have power to appoint one or more deputies, subject to such regulations as may be prescribed by ordinance.

May appoint deputies.

ARTICLE VII.

SEC. 1. That the city council shall have power to levy and collect taxes upon all real and personal property within the limits of the city, for the purpose of general revenue, not to exceed one-half of one per cent. upon the assessed value thereof, in each year, in any manner to be previously provided by ordinance.

Council have power to levy and collect taxes.

SEC. 2. That to provide for the sale of real estate, for the non-payment of any taxes due thereon, and for the time and manner of redemption of the same; *Provided*, that the owner thereof may redeem the same at any time within two years thereafter by the payment of the full amount of said tax, and all taxes

Of sale of real estate for taxes

subsequently paid thereon by the purchaser, and all costs and charges thereon, together with twenty-five per cent. per annum thereon.

- Poll tax.** SEC. 3. That to impose a poll tax not exceeding one dollar on all able bodied male persons over the age of twenty-one and under fifty years of age.
- License tax.** SEC. 4. That to levy and collect a license tax on auctioneers, taverns, hawkers, pedlars, dram shops, liquor sellers, pawnbrokers, shows and exhibitions for pay; billiard tables, ball and ten pin alleys, or any number of pins the same may have, hacks, drays, wagons or other vehicles used within the city for pay; theatres and theatrical exhibitions for pay.
- Power to restrain and prohibit tippling shops, &c.** SEC. 5. That to restrain, prohibit and suppress tippling shops, billiard tables, ten pin alleys, ball alleys, houses of prostitution, and other disorderly houses and practices, gaming and gaming houses, and all kinds of public indecencies.
- To prevent the introduction of contagious diseases.** SEC. 6. That to make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city.
- To erect hospitals, &c.** SEC. 7. That to erect, establish and regulate hospitals, work-houses and poor-houses, and provide for the government and support of the same.
- To prevent nuisances, &c.** SEC. 8. That to make regulations to secure the general health of the city, and to prevent and remove nuisances, and to provide the city with water.
- To improve streets, &c.** SEC. 9. That to open, widen, extend, grade, pave or otherwise improve and keep in repair the streets, alleys and public grounds of the city.
- To establish night watch.** SEC. 10. That to establish, regulate [and] support night watch and police, and define the powers and duties of the same.
- To light the streets.** SEC. 11. That to provide for lighting the streets, and erection of lamp posts.
- To erect market houses, &c.** SEC. 12. That to erect and establish market houses and market places, and to regulate and govern the same, and to provide for the erection of all other useful and necessary buildings for the use of the city.
- To cause the enumeration of inhabitants to be taken.** SEC. 13. That to provide for and cause to be taken the enumeration of the inhabitants.
- To provide for election of city officers.** SEC. 14. That to provide by ordinance for the election of city officers, prescribing the manner of conducting the same and the returns thereof, and for deciding contested elections.
- SEC. 15. That to provide for removing officers of the city for

misconduct, and for the appointment of officers, their duty and compensation, not provided for in this charter. To provide for removing officers.

SEC. 16. That to regulate the police of the city, and to impose fines, forfeitures and penalties for the breach of any ordinance, and also for the recovery and collection of the same, and, in default of payment, to provide for confinement in the city prison, or to hard labor in the city. To regulate police, &c.

SEC. 17. That to regulate and prescribe the powers and duties and compensation of the officers of the city. To regulate powers, duties &c., of officers.

SEC. 18. That to require from all officers and servants elected or appointed in pursuance of the charter, bonds and security for the faithful performance of their duties. To require bonds from officers.

SEC. 19. That to borrow money on the credit of the city, and pledge the revenue and public property of the city for the payment thereof; *Provided*, that there shall not be paid, directly or indirectly, a greater rate of interest than ten per cent. per annum; nor shall a greater debt be contracted than twenty-five thousand dollars, unless a two-thirds majority of the qualified voters of said city, at a poll to be opened for that purpose, shall authorize the same. To borrow money.

SEC. 20. That to appropriate money and provide for the payment of the debts and expenses of the city. To appropriate money, &c.

SEC. 21. That to divide the city into wards and to apportion their representation in the city council, according to population. To divide the city into wards &c.

SEC. 22. That all ordinances of the city shall be passed, pursuant to such rules and regulations as the city council may provide; and all ordinances of the city may be proved by the certificate of the clerk, under the seal of the city; and when printed or published, in book or pamphlet form, and purporting to be printed and published by authority of the city, shall be read, and received in evidence in all courts and places, without further proof. Of ordinances.

SEC. 23. That the city council shall cause to be published, once in each year, a statement of the receipts and expenditures of the city, and a statement of the financial condition of the city. Council shall cause statement of expenses &c., to be published.

ARTICLE VIII.

SEC. 1. That there is hereby established in the city of Leavenworth, a court of record, under the name, style and title of the "Mayor's Court of the City of Leavenworth," said court to be held by the mayor of the city. Court of record established.

SEC. 2. That the said mayor's court, of the said city, shall be When held.

held on the second Monday of every month, and the terms of said court may continue until the business of said term shall be disposed of.

Special terms. SEC. 3. That the mayor may hold special terms of said court as often as he may deem it necessary or expedient for the dispatch of business.

City clerk to be clerk of court. SEC. 4. That the clerk of said city shall be the clerk of the said mayor's court, and shall perform all the duties of clerk of said court.

Marshal shall attend. SEC. 5. That the marshal shall attend the said mayor's court, and shall execute and return all the process of the said court, in the same manner as the sheriff and other officers of any court of record in this Territory.

Of rules, &c., of the court. SEC. 6. That the mayor shall establish rules for the practice of said court. The pleadings and practice of said court shall be in conformity with the laws of the Territory.

Jurisdiction. SEC. 7. That the mayor's court shall have appellate jurisdiction of all cases wherein an appeal is provided by this charter, from the recorder's court of said city, arising under the ordinances of said city.

Power and authority of court SEC. 8. That the said mayor's court established by this Act, is hereby vested with full power and authority to hear, try and determine, according to the laws of the United States, or of this Territory, and according to the by-laws and ordinances of the said city, and according to the course of the common law, all actions, personal or mixed, arising within the limits of said city, and to which the said city of Leavenworth is a party.

Powers. SEC. 9. That the mayor's court of said city, in addition to the powers hereby given to said court, shall have and exercise original jurisdiction in all personal actions and remedies at law, arising within the limits of said city, and to which the said city, in its corporate capacity, is a party plaintiff; and the said court shall have and exercise all the powers usually exercised by any court of record at common law, for the full exercise of the jurisdiction given to it by law; *Provided*, that when an issue of fact shall be joined in any civil action in said mayor's court, a jury shall not be called to try the same, unless upon the request of either party; and in such a case, a jury shall be summoned, drawn and sworn as hereinafter provided.

Writs and processes. SEC. 10. That all writs and processes in the mayor's court shall be in the name of the Territory of Kansas, and shall be in form in conformity with the process and writs of the Probate Courts of the Territory.

SEC. 11. That the fees of officers, witnesses and jurors attending the mayor's court shall be the same as those of the Probate Court. ^{Fees.}

SEC. 12. That every qualified elector of said city shall be a competent juror in said court, and parties shall have the same right of challenge as is by law given in the courts of the Territory. ^{Qualification of jurors.}

SEC. 13. That in all cases where a jury may be required by the mayor's court, the same shall be obtained in the following manner: ^{Jury.}

SEC. 14. That the board of councilmen shall, at any time not oftener than once a year, select from the assessment roll of the city a list of the names of two hundred persons, who are legally qualified electors of said city, and file the same with the city clerk. ^{How obtained.}

SEC. 15. That when such list is filed with the clerk, he shall enter the names of said persons, so selected, on separate strips of paper, and deposit and preserve the same in a jury box, to be kept for that purpose; and such persons, so returned, shall be liable to serve for the period of at least one year, and until another return shall be made in the manner aforesaid by the board of councilmen. ^{Same.}

SEC. 16. That whenever a jury shall be required, at a sitting of the mayor's court, the city attorney shall notify the clerk of the same, who shall forthwith, in the presence of the mayor and marshal, draw from said jury box the names of twelve persons, who shall serve as such jurors; and the clerk shall immediately make out a *venire facias*, commanding the city marshal to summon the persons so drawn to attend the session of said court, and not depart the same until discharged, under such penalty, not exceeding twenty-five dollars, as the court may impose, and in case of a default in the attendance of such jurors, or in case the number in attendance be reduced by challenge, the said court shall have power to direct the summoning the takers, who shall be subject, in case of default, to the penalty in this section provided. ^{Same.}

SEC. 17. That no person shall be deemed incompetent to testify as a witness, or serve as a jurymen, in any case pending in the mayor's court, on account of any interest such person may have as a citizen of said city, in the event of such proceeding. ^{Of witnesses.}

SEC. 18. That the clerk of the city, as clerk of the mayor's court, shall be entitled to the same fees as by law are allowed to ^{Fees of clerk.}

the clerks of Probate Courts; shall have the same power and jurisdiction to tax costs as by law is given to said clerks, and shall have the care of the seal of said mayor's court.

ARTICLE IX.

Shall have power to open and widen any street &c.

SEC. 1. That the city council shall have power to extend, open and widen any street, avenue, alley or lane, at their discretion, at any place, within the city, and to create or open any new street, avenue, alley or lane, at their discretion.

When private property is taken for streets.

SEC. 2. That when it shall be necessary to take any private property for opening, extending, widening or altering any street, avenue, alley or lane, the city shall make a just compensation therefor, to the person whose property is so taken.

Damages to be appraised.

SEC. 3. That if the amount of such compensation cannot be agreed upon, the mayor shall appoint six disinterested freeholders of said city, who shall estimate and appraise the amount of said damages.

Appraisers to be sworn.

SEC. 4. That the said jury of freeholders, before entering upon the discharge of their duties, shall each be sworn, to impartially assess the amount of said damages, and shall return their inquest in writing to the mayor, signed by each juror.

Their duty.

SEC. 5. That in estimating the amount of said damages, the said jurors shall consider the benefit resulting from, as well as the loss sustained by the owner thereof.

Council may levy and collect a special tax.

SEC. 6. That the city council shall have power by ordinance to levy and collect a special tax on the real estate, lying in any street, avenue, alley or lane, in proportion to the respective value of each piece or parcel thereof, for the purpose of grading, paving, repairing, or otherwise improving said street, avenue, alley or lane.

Same.

SEC. 7. That the city council shall have power by ordinance to levy and collect a special tax, on the holders of the lots in any street, avenue, alley or lane, according to the respective fronts owned by them, for the purpose of curbing and paving the side walks, and lighting such street, lane, avenue or alley, and for the purpose of paving, McAdamizing, repairing or otherwise improving said street, avenue, lane or alley.

Citizens exempt from working on roads, &c.

SEC. 8. That the citizens of the city of Leavenworth are hereby exempt from working on any road beyond the city limits, and from paying a road tax for the construction of any road without the city limits.

ARTICLE X.

SEC. 1. That the council of said city, are hereby authorized and required, at the expense of said city, to provide for the support of common schools therein.

Council authorized to provide for support of common schools.

SEC. 2. That the city council of said city, shall have power, and they are hereby authorized to divide the city of Leavenworth, by territorial limits, into school districts, in such manner as shall be most convenient, having due regard to the accommodation of all the citizens.

May divide the city into school districts.

SEC. 3. That the city council are hereby authorized and required to purchase in fee simple, or to receive as a donation for the use of said city, and at the expense of the same, in each of said school districts, a suitable lot of land in some central and convenient situation, as a site for a school-house therein; and at any time thereafter to cause to be erected thereon a good and substantial school-house, and to defray the necessary expenses of the building and construction of said school-houses, as also to pay the purchase money for the lots of land, on which the same shall be erected. It shall be lawful, and it is hereby made the duty of said city council, annually to levy, or cause to be levied, in addition to the other taxes of the city, a tax not greater than one mill on the dollar, upon all property in said city, liable to taxation, for city purposes, until a sufficient sum shall be raised and collected from such tax, to meet the expenses which shall be incurred for the purchase of lots of land, and for the erection of the school-houses aforesaid.

Council to build school houses, &c.

Shall levy tax.

SEC. 4. That for the purpose of more effectually supporting common schools, in said city, and to secure the benefit and blessings of an education to all the children therein, it shall be the duty of the city council, and they are hereby authorized to levy and collect an annual tax of one mill on a dollar, upon all the property in said city, subject to taxation for city purposes, which tax shall be exclusively appropriated to defray the necessary expense of said schools.

May levy tax for the support of schools.

SEC. 5. That said schools in the several districts of said city, shall at all times be equally free and accessible to all children not less than six nor more than twenty-one years old, who may reside therein, and subject only to such regulations for their government and instruction as the trustees hereinafter mentioned, may from time to time prescribe; *Provided*, that nothing in this Act contained shall be so construed as to permit black

Schools to be free.

Proviso:

or mulatto persons to attend said school, or either of them, or to receive instruction therein; but all taxes assessed on the property of black or mulatto persons in said city, for school purposes, shall be appropriated as the trustees, hereinafter mentioned, may direct, for the education of black or mulatto persons in said city, and for no other purpose whatever.

Board of trustees of common schools.

SEC. 6. That at the next annual election for city officers in said city, and at each annual election thereafter, the qualified voters of each ward, shall elect two judicious and competent persons, having the qualifications of councilmen, as trustees of common schools, which trustees, elected as aforesaid, shall constitute and be denominated "The Board of Trustees of Common Schools in Leavenworth," who shall hold their office for one year, and until their successors shall be elected and qualified, and fill all vacancies that may occur, in their own body during the time for which they shall be elected, subject to the confirmation of the city council.

Powers of the board.

SEC. 7. That said board shall have general superintendence of all the common schools, in said city, and from time to time make such regulations for the government and instruction of the children therein, as shall appear proper and expedient. They shall appoint and employ the teachers and instructors for the same, and visit each and every such school as often as once in every month. They shall cause a school to be kept in each district, for the term of six months at least in each year. They shall certify to the city council the correctness of all accounts for expenses, incurred in the support of said schools, and give the teachers employed therein, certificates of the amount due for such services. They shall, at the close of every current year, report to the city council the state and condition of the several schools in said city, as well the fiscal as the other concerns, in relation thereto, and a particular account of their administration thereof: *Provided*, that no person shall be employed, as a teacher in any of said schools, until he or she shall have been first examined by the board of examiners hereinafter mentioned, and have obtained from said board a certificate of qualifications as to his or her competency and moral character.

Of moneys levied and collected for school purposes

SEC. 8. That all money levied and collected in said city for the support of common schools, shall be paid into the city treasury, which money shall be kept in the city treasury, as a separate and distinct fund, and the same shall not be applied, under any pretence whatever, to any other use than that for which it was

levied and collected; and separate and particular accounts of the receipts and expenditures thereof, shall be kept by the treasurer, in a book to be provided for that purpose.

SEC. 9. That a majority of all the members of said board shall constitute a quorum for transacting the business thereof. Quorum.

SEC. 10. That if any member of said board shall absent himself from the regular meetings of said board for six successive weeks, unless by reason of sickness or absence from the city, or by consent of said board, his seat shall be declared vacant. A member's seat may be declared vacant, when.

SEC. 11. That it shall be the duty of the city council, to appoint five persons, residents and citizens of said city, of competent learning and abilities, as examiners of said schools, and of the qualifications of the teachers thereof, who shall be denominated, "The Board of Examiners of Common Schools in Leavenworth," who shall hold their office for two years; and all vacancies in said board shall be filled by the city council, as they may occur. Board of examiners to be appointed.

SEC. 12. That it shall be the duty of said board of examiners, to examine the qualifications, competency and moral character of all persons desirous of becoming teachers in said schools, or any of them, a majority of whom, can grant certificates thereof, to such as in their opinion may be entitled to receive the same. They shall from time to time strictly examine all said schools, the discipline and course of instruction in each, and shall make a report of all their proceedings, and of all matters pertaining to the duties of their office, as often as once in each year to the city council. Duty of board of examiners.

SEC. 13. That the said city council shall fix by ordinance, such rules and regulations, for the government of said schools, and for the duties of the boards of trustees and examiners, as may be necessary to carry the provisions of this Act fully into effect. Council shall fix rules &c., for the government of schools

SEC. 14. That an act entitled "An Act to Incorporate the City of Leavenworth, Kansas Territory," and all acts amendatory thereto, are hereby repealed. Act repealed.

SEC. 15. That all the ordinances and by-laws of said city, now in force, shall be in full force and effect, under this Act, and all rights acquired under said Act, are hereby confirmed and continued by this Act. Ordinances &c. confirmed.

SEC. 16. That all officers in said city, provided for in this Act, which were not provided for in the act to which this is a substitute, shall be filled by appointment of the city council: *Provided*, that the number of councilmen shall not be increased until the next annual election for city officers. Officers to be appointed.

This act a public act.

SEC. 17. That this Act is hereby declared a public act, and shall be in full force and effect from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXXXV.

CITY OF LEAVENWORTH TO SUBSCRIBE STOCK.

AN ACT to Authorize the City Council of the City of Leavenworth to subscribe stock to the Leavenworth and Hannibal Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

City council authorized to subscribe.

SECTION 1. That the city council of the said city be and they are hereby authorized, in their corporate capacity, to subscribe to the capital stock of said company any sum, not to exceed three hundred thousand dollars; *Provided*, that they shall not subscribe stock in said company until they first submit the proposition with the amount desired to be subscribed, to the qualified voters of said city, submitting the question for and against such loan or subscription.

Proviso.

If the vote is in favor of the loan.

SEC. 2. That upon such submission, if the vote shall be in favor of the loan, the said city council shall be authorized to subscribe the amount authorized under such vote, as stock in said company, to be paid for in such manner as the said city council and said company shall agree upon.

City may issue bonds.

SEC. 3. Should it be determined upon by the said company to take the bonds of said city, in place of money, to be placed in the market for sale to raise money, it shall be in the discretion of the city council to issue her bonds and place them in the market; *Provided*, that they can be sold so as to net to the company not less than ninety cents on the dollar. Said bonds may be issued to draw a rate of interest not to exceed ten per cent. per annum.

Proviso.

If bonds be issued, duty of city council.

SEC. 4. Should the bonds of the city be issued, it shall be the duty of the city council, by ordinance, to make provisions to pay

the interest punctually, annually or semi-annually, as the case may be. The said bonds shall not be issued for a longer period than thirty years. Said city council shall, by ordinance, also provide means for the payment of said bonds when they fall due.

SEC. 5. At the time of issuing such bonds, it shall be the duty of the city council to require the company to issue to the said city council certificates of stock in said company for the full amount of the bonds issued.

Company to issue certificates of stock.

SEC. 6. It shall be the duty of said city council to make all ordinances necessary to carry into effect the provisions of this Act, so as to secure to the city and company the full benefits of the same.

Duty of city council.

SEC. 7. It shall be the duty of the said city council to appoint one or more agents to represent the said city at all elections for directors of said company, which said agent shall act as proxy or proxies for the city; and such one of them as shall be appointed for that purpose, shall cast the vote of the city; and such agent or agents, who shall not be more than two, shall be eligible to any office in the company, by reason of such appointment.

Shall appoint agents to represent said city.

SEC. 8. This Act shall be a public Act, and take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives,
 C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER LXXXVI.

CITY OF OLATHE.

AN ACT to Incorporate the City of Olathe.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That all that Territory embraced within the following legal sub-divisions, to wit: The south-east quarter of section 26, township 13, range 23 east, and the north-east quarter of section 35, in township 13, range 23 east, shall be known

Boundaries of Olathe.

Privileges of the city.

as, and be called the City of Olathe, and by that name shall be known in law, may have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended in all courts of law or equity within this Territory or elsewhere, may have a common seal, and the same may be altered or changed at pleasure, and shall have all the powers and privileges usually granted, or by any law of this Territory given to incorporate bodies.

Powers, privileges, &c., of an act incorporating Leavenworth city conferred.

SEC. 2. All the powers, privileges, rights and provisions of an act entitled "An Act to Incorporate the City of Leavenworth," shall be conferred on the said city of Olathe; and the said city of Olathe is hereby authorized and empowered to proceed under the provisions of said charter, as fully and absolutely as if the same had been, in the same act, specially applied to the said city of Olathe.

Election for mayor and councilmen.

SEC. 3. That an election shall be held on the first Monday of April A.D. 1858, in the city of Olathe, for a mayor and board of councilmen, under the provisions of said charter.

Names of judges of election.

SEC. 4. That S. F. Hill, Charles Mayo and Nelson H. Wood, are hereby appointed judges of the election, to hold said election; and they shall give at least ten days notice of such election, by five written or printed notices, put up at five public places in said city; and the election shall be conducted according to the provisions of the general election law in this Territory; and such judges shall take an oath faithfully and impartially to discharge their duties as judges of the election, the returns of which shall be certified to and filed in the office of the Probate Court; and if any of said judges shall from any cause fail to attend, the judge or judges attending shall supply such vacancy.

Manner of conducting election.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXXXVII.

CITY OF PALERMO.

AN ACT to amend an Act entitled "An Act to Incorporate the City of Palermo, Kansas Territory." Approved February 14, 1857.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the boundaries of the City of Palermo, as defined in section first of an act entitled "An Act to Incorporate the City of Palermo," approved February fourteenth, A.D. 1857, are hereby amended and altered, so as to read as follows, to wit: Beginning at that point in the middle of the main channel of the Missouri river, which is in a right line with the north line of the town of Palermo, as platted and recorded according to law; thence running in a right line, and in a north-westerly direction, to the north-west corner of said town; thence running in a south-western direction, on the western line of said town of Palermo, to the southern line or side of said town; thence running on the southern line of said town, and in the direction of said southern line, to the middle of the main channel of the Missouri river; thence running up the middle of the main channel of said river to the place of beginning.

Act amended.

Boundaries of the city of Palermo.

SEC. 2. That the board of councilmen, provided for in the fifth section of said act, shall consist of seven members, instead of five, as is therein provided.

Board of councilmen--number.

SEC. 3. That there shall be a special election held on the first Monday of March, A.D. 1858, to elect a mayor (the office of which is now vacant,) and the two additional councilmen provided for in the second section of this Act. Ten days notice shall be given of such election, by proclamation, as provided for by law, in case of vacancies. Said mayor and councilmen then elected shall hold their offices until the next annual election of officers for said city of Palermo.

Election to be held for mayor and councilmen.

Term of office.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 3, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXXXVIII.

CITY OF QUINDARO.

AN ACT Incorporating the City of Quindaro.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

TITLE I.

Of the Boundaries of the City of Quindaro.

City of Quindaro incorporated.

SECTION 1. The district in the county of Leavenworth, contained within the boundaries hereinafter described, shall be a city by the name of Quindaro, and the citizens of Kansas from time to time, inhabitants within the said boundaries, shall be a corporation by the name of the City of Quindaro.

Boundaries.

SEC. 2. The boundaries of the city of Quindaro shall be as follows, to wit: Commencing at the south-west corner of the south-east quarter of section thirty-six, thence east two and one-half miles, to the south east corner of section thirty-two; thence north, about two miles, to the middle of the Missouri river; thence up, along the middle of said river, to a point due north of the place of beginning; thence south, to the place of beginning, containing more or less.

Of wards, &c.

SEC. 3. The district described within the boundaries mentioned in section second of this title, shall constitute one ward in the city, for the purpose of the first election; but the common council shall, thereafter, be invested with full power to subdivide the city into wards, in such manner as it may deem best, and make an apportionment for the election of aldermen therein, in which case, each ward shall be an election district, and no person shall be eligible to the office of alderman, unless he be, at the time of his election, a resident elector of the ward in which he shall be elected, and in no case shall the number of wards excel the number of aldermen provided for by this Act.

Eligibility to the office of alderman.

Common council not to diminish the number of aldermen.

SEC. 4. Nothing contained in the section third of this title, shall give the common council power to increase or diminish the number of aldermen provided for by this Act.

TITLE II.

Of the Officers of the City — Their Appointment and Election.

City officers.

SECTION 1. The officers of the city to be elected by general ticket, shall be the mayor, city recorder, who is hereby declared

a justice of the peace, comptroller, treasurer, city attorney, city surveyor, superintendent of schools, nine aldermen, city marshal, three assessors, three constables, three inspectors of election, one coroner and city clerk.

SEC. 2. No person shall be eligible to any office, mentioned in the first section of this title, unless he be, at the time of his election, a resident elector of the city, and if any person, elected to any city office, shall cease to be a resident of the city, or ward, as the case may be, such office shall thereby be vacant. Eligibility.

SEC. 3. The annual city election shall be held on the first Tuesday of February. Annual election.

SEC. 4. At subsequent annual elections, each election district shall be entitled to one assessor and three inspectors of election, but as long as the city remains one election district, nothing herein contained shall deprive such district of three assessors. Assessors and inspectors of election.

SEC. 5. The city clerk shall give notice in writing of every annual city election, to the inspectors of elections of the several election districts of the city, at least eight days before the day of election, and shall also publish a notice thereof in the city paper, specifying the time of election, the places of holding the polls in the several election districts, the time of opening and closing the polls, and a list of all the officers to be elected. Clerk to give notice of election.

SEC. 6. The inspectors shall proceed, in each district, in the manner required by the laws of this Territory, relating to the elections for members of the Legislature. Upon closing the polls, the inspectors shall, forthwith, without adjournment, canvass the votes received by them, and shall, on the same or next day, make, certify and file with the city clerk a statement of the result, specifying the whole number of votes given for each officer, and the number of votes given for each person for each office. Polls, how conducted.

SEC. 7. The term of all officers elected under the provisions of this Act, except officers to fill vacancies, shall commence on the first Monday next succeeding their election. Commencement of term of office.

SEC. 8. The term of office of all officers elected or appointed under the provisions of this Act, shall be one year, and until their successors shall enter upon their respective duties of office. Officers elected to fill vacancies, shall enter upon the duties of their office upon taking the oath of office, and upon the approval of the security, if any required, under the provisions of this Act. Term of office.

SEC. 9. The common council shall convene at some place to

When common council shall convene.

be provided for by the mayor elect, at nine o'clock in the forenoon of the Monday next succeeding the first Tuesday of February of each year.

Shall canvass returns of election, &c.

SEC. 10. The common council shall thereafter meet on the first Monday next succeeding the first Tuesday of February of each year, at the hour specified in the last preceding section, at their usual place of meeting, and the city clerk shall lay before them, the certificates of the inspectors of elections, filed with him, and a tabular statement of the result of the preceding elections; and the common council shall forthwith canvass the returns and determine and certify, in the manner provided for by law, who were duly elected [at] the said election to the various offices. The said certificate shall be made in duplicate, one of which shall be filed in the county clerk's office, and the other shall be filed and recorded in the city clerk's office. The mayor and aldermen elect, and such officers elect as may be present, shall thereupon take the oath of office, and the common council shall thereupon be dissolved, and the terms of office of all officers of the city previously appointed or elected, shall determine upon the induction into office of their successors. The common council shall determine, by resolution, the time and place of its regular meetings, during the year.

Shall take oath of office.

Vacancy, how filled.

SEC. 11. If a vacancy occurs in any elective office provided for by this Act, the common council may appoint some person, eligible under the provisions of this title, to fill such office until one shall be elected and qualified for the office, and the common council may, in its discretion, order a special election to fill such vacancy.

Of special elections.

SEC. 12. Notice of a special election shall be given by the city clerk, to the inspectors of election, of the election districts in which the polls are to be opened, and in the city paper, and the inspectors shall conduct such election, and certify and file their returns in the same manner as though the election were an annual one; and the common council, immediately after the election, shall meet and determine, and certify the result, and cause their certificate to be filed and recorded, as hereinbefore provided.

Common council shall appoint officers.

SEC. 13. The common council shall, on the first Monday next succeeding the first Tuesday of February in each year, or as soon thereafter as practicable, appoint by ballot the following named officers, to wit: Health physician, one pound keeper, one sexton, and if the council shall deem best, one keeper of cemetery or burial ground, one sealer of weights and measures, and one scav-

enger, who shall be removable at the pleasure of the common council, and for whose official acts or omissions, their respective sureties, if any, shall be liable on their official bonds.

SEC. 14. All officers elected or appointed under the provisions of this Act, or as many thereof as may be required by the common council, shall severally execute and file with the city clerk a bond to the city of Quidaro, in such sum as shall be fixed by the common council, and with such sureties as the mayor and common council shall approve, conditioned for the faithful performance of the duties of their respective offices. The common council shall impose and insert such other conditions in such bonds, as the public interest shall require.

Officers to give bonds.

Conditions.

SEC. 15. The city clerk shall, as soon as practicable, cause every officer, whether elected or appointed, to be served with a written notice of his election or appointment, and of the amount of his official bond; and if any such officer shall, for five days after such notice, neglect to take and file with said city clerk the oath of office, or to perfect and file with said city clerk his official bond, the common council may declare the office vacant.

City clerk shall notify officers of their election.

Office may be declared vacant.

SEC. 16. Every person elected to the office of marshal and constable, under the provisions of this Act, shall have power, and it shall be their duty, to serve any summons, warrant, subpoena, order, notice, paper or process whatever, issued or directed by the city recorder, any justice of the peace, resident within the limits of said city, recorder, court or officer whatever, in the execution of the laws of this Territory, for the prevention of crime and the punishment of criminal offenders, or of the police laws and regulations of the Territory or city, in any proceeding, collateral to, or connected with the execution of such general laws, and police laws and regulations. Said constables shall, also, have the same power to act in any civil matter, as constables now have under the laws of Kansas. They shall also perform such other duties, not inconsistent with this Act, as the common council, shall from time to time, impose upon them.

Powers and duties of marshal and constable.

SEC. 17. The common council, or the mayor, shall examine into the sufficiency of the proposed sureties of any officer from whom a bond, or instrument in writing, may be required under this title, and may require the said sureties to submit to an examination, under oath, as to their responsibility and property; such oath may be administered by the mayor, or any alderman of said city. The deposition of the surety or sureties, shall be reduced to writing, be signed by him, certified by the person taking the

Common council shall examine sufficiency of sureties.

same, and annexed to and filed with the bond or instrument in writing to which it relates, with the city clerk; a copy thereof, certified by the mayor, under the city seal, shall be presumptive evidence in all courts, of the execution thereof by such officer and his sureties. Every action on any such instrument shall be prosecuted within two years after the expiration of the year for which the officer therein named shall have been elected.

Clerk to notify council of officers failing to file bond.

SEC. 18. The city clerk shall report the names of all persons elected or appointed to any office, who shall have neglected to file their bond or other security, and oath of office, according to the requirements of this Act, to the common council, at its next meeting after such default.

Of resignations.

SEC. 19. Resignation by any officer authorized to be elected or appointed by this Act, shall be made to the common council in writing, subject to their approval and acceptance.

Officers may be removed from office.

SEC. 20. For good cause shown, after due notice and an opportunity to be heard in his defense, any officer of the city may be removed from office by a vote of two-thirds of the members elected to the common council. The notice shall contain a full statement of the offence, and no officer shall be tried or expelled for any other offence than that contained in the notice. Nothing in this section shall render eligible the officer expelled, for the same office, at the next general special election.

Officer shall deliver all books, &c., to his successor.

SEC. 21. Whenever any person shall be removed from any office, or the term for which he was elected or appointed has expired, or a vacancy occur by resignation, he shall, on demand, deliver over to his successor, all books, papers and effects in any way appertaining to his office. Any person violating this provision, shall be guilty of misdemeanor, punishable by fine not exceeding one thousand dollars, and imprisonment in the county jail not more than two, nor less than one year, or by both fine and imprisonment, in the discretion of the court.

Penalty.

TITLE III.

Common council.

SEC. 1. The mayor and aldermen of said city shall constitute the common council thereof, and a majority of all the aldermen shall be a quorum for the transaction of business.

Mayor shall preside.

SEC. 2. The mayor shall preside at the meetings of the common council, and shall have no vote, except in case of a tie.

Council to make rules for its proceedings.

SEC. 3. The common council shall determine the rules of its proceedings, judge of the qualifications of its members, and have power to compel their attendance.

SEC. 4. The city clerk shall be clerk of the common council.

SEC. 5. All meetings of the common council shall be public, but may be held with closed doors when appointments are being made, and whenever the common council, by a vote of two-thirds of the members present, shall so direct. All minutes of their proceedings shall be open to public inspection at all reasonable hours, except when secrecy shall be enjoined. When, by this Act, the concurrence of more than a majority of the members of the common council is required to constitute a vote, such vote shall be ascertained by the yeas and nays.

Meetings of council, how held, &c.

SEC. 6. The common council shall have power to prescribe the duties of the officers and persons appointed by them, or elected to any office or place whatever, subject to the provisions of this Act; to revoke any license given under this Act; to remit in whole or in part, and on such conditions as shall be deemed proper, by a vote of two-thirds of all the members present, any fine or penalty belonging to the city, which may be imposed or incurred under this Act, or under any ordinance or regulation passed in pursuance thereof, excepting fines or penalties incurred or imposed for any violation of the excise laws, and the breaches of the conditions of the bond required by this Act.

Powers of common council.

SEC. 7. The common council shall pay, by way of salary or otherwise, to the several persons appointed by it, or elected by virtue of this Act, to any office or place, a reasonable compensation for their respective services, not to be increased or diminished during his term.

Of salary of officers.

SEC. 8. The common council shall have the management and control of the finances and of all the property, real and personal, belonging to the city, and shall have power, within such city, from time to time, to make such ordinances and regulations as are authorized by this Act, and are not inconsistent with the laws of the United States, or of this Territory, and which they shall deem expedient for the good government of the city, the preservation of peace and good order, and the suppression of vice therein, and the benefit of the trade, commerce and health thereof, and such other ordinances and regulations as may be necessary to carry into effect the power given to said council by this Act; and for these purposes, are hereby particularly authorized to enact ordinances, 1. To prevent, restrain, detect and punish every kind of fraudulent device and practice; to restrain and prohibit all descriptions of gaming, all playing of cards, dice, billiards or other games of chance, with or without betting, in any grocery, shop or other houses of public resort,

Council shall have control of the finances, &c. May make ordinances.

General powers and privileges.

store or place of public resort whatever ; to prevent any riot or noise, disturbance or disorderly assemblages ; to suppress and restrain disorderly houses or groceries, houses of ill fame or assignation, nine or ten pin alleys, or tables and ball alleys, and to require the destruction of all instruments and devices used for the purpose of gaming ; to restrain and punish vagrants, mendicants, common prostitutes, keepers of houses of ill fame and assignation, disorderly persons, and to prevent and punish drunkenness and disorderly conduct in all places whatever ; to license, regulate or prohibit the exhibitions of common showmen and of shows of every kind, and the exhibition of natural or artificial curiosities, caravans, circuses, menageries and theatrical representations, and to forbid and regulate the selling or giving away of ardent spirits, or other intoxicating liquor, to any child, apprentice or servant, without the consent of his or her parents, guardian, master or mistress, or to any Indian, or to any person whomsoever, known of common repute, to be of intemperate habits.

2. To survey the boundaries of the city ; to ascertain, establish and settle the boundaries of all streets, alleys and highways in the city, and to prevent and remove all encroachments thereon ; to light the streets of the city, to prevent and punish horse racing and immoderate driving and riding in the streets, alleys or highways ; to prohibit and punish the flying of kites and every other game, practice or amusement, in the public streets or elsewhere, having a tendency to frighten teams and horses, or to injure or to annoy persons passing in or along the highways of the city ; to compel all persons to remove the snow, ice and dirt from the sidewalks in front of the premises owned or occupied by them, and to punish them for not so doing ; to prevent the encumbering of streets, sidewalks, lanes, alleys and levees with carriages, carts, sleighs, sleds, wheelbarrows, lumber, timber, firewood, or any other thing whatsoever ; to prohibit and punish, or license or regulate the peddling of jewelry, merchandise of all kinds, refreshments, and everything whatsoever, in any of the streets, alleys, sidewalks, public squares of the city, and to prohibit or regulate, and determine the times and places of bathing and swimming in any waters in or adjoining the city.

3. To regulate the police of the city ; to appoint policemen, and punish their delinquencies ; to establish, maintain and regulate public grounds ; to restrain and regulate the leading and driving through the streets, alleys and highways of said city, and the running at large of cattle, horses, swine, sheep, goats and do-

mestic fowls, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and the cost of proceedings; to prevent the running at large of dogs; to authorize the destruction of dogs when at large contrary to the ordinance; impose an annual tax on the owners and keepers of dogs in the city, not exceeding five dollars for each dog; to establish, make, maintain and regulate public pumps, wells, cisterns and reservoirs, and to prevent the unnecessary waste of water; to prevent and abate nuisances of all kinds, and to punish the authors and maintainers thereof; to license pawnbrokers, and to regulate the business of pawnbrokerage. 4. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tan aery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the said city; to prohibit any person from bringing, depositing or leaving within the city limits, any dead carcass, or other unwholesome substance, and to require the removal or destruction of any such substance, or of any article or thing liable to become unwholesome, by the owner or occupant of any premises on which the same may be, and on his default, to authorize the removal or destruction thereof by some city officer; to direct or restrain the location and construction of all butcher shops and stalls, slaughter houses, foundries, cooper shops, tanneries, bake houses, carpenter's shops, planing establishments, breweries, soap, candle, starch or glue factories, distilleries and houses for storing powder, and regulate and prescribe their management and use; to regulate and prescribe the places for the keeping of hay, wood, lumber, coal, or other easily inflammable substance; to regulate the burial of the dead; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others, for any default in the premises.

Of nuisances.
&c.

To regulate
places for keep-
ing hay, &c.

Sec. 9. Where, by the provisions of this Act, the common council have power to pass ordinances on any subject, they may prescribe any penalty, not exceeding fifty dollars, for the violation thereof, unless a larger penalty be prescribed therefor by this Act, and may, by such ordinances, subject to parent or guardian of any minor, or the master or mistress of any apprentice or servant to any such penalty, for any such offences committed by such minor, apprentice or servant.

Council may
prescribe pen-
alties.

Mayor shall approve ordinances, &c.

SEC. 10. No legislative ordinance, act or resolution of the council, (except such as are by this Act excepted,) shall be of any force without the written approval of the mayor, unless he omit to return it to the common council with his objections, for ten days after its presentation to him in which case it shall be deemed regularly enacted: *Provided*, the mayor's term of office shall not expire within the ten days. If, after the mayor's objections have been received, the ordinance, act or resolution shall be passed, or re-enacted by two-thirds of the members elected to the common council, the same shall be deemed regularly enacted. Immediately upon the close of any session of the common council, the clerk thereof shall make and present to the mayor a transcript of all resolutions for the mere payment of money, passed at such session, and the mayor's approval or disapproval of any such resolution, shall be signified upon such transcript. His approval of all other ordinances; acts and resolutions, shall be signified by his signature thereto, and the same shall be deposited and recorded; and all transcripts of money orders, with his approval or disapproval, shall be deposited in the office of the city clerk.

Council shall designate a newspaper to publish ordinances, &c.

SEC. 11. The council shall, as soon as may be, after the commencement of each year, designate a public newspaper of the city, as the official paper of the city, to continue such until another shall be so designated, and shall cause to be published therein all ordinances and other matters required by this Act, or by the ordinances of the city, to be published. The common council shall allow for all publications provided for by this Act, or by the ordinances, not more than the published advertising rates of the city paper in which they are published.

Ordinances, when published

When to take effect.

SEC. 12. All ordinances of the common council shall be published in the city paper, weekly; for three consecutive weeks. Every ordinance imposing a penalty, unless some longer time be provided by the terms thereof, shall take effect at the expiration of the last day of publication thereof in the city paper. The city clerk shall make and sign an entry of record in a book to be provided for that purpose, of every ordinance enacted by the council, and the time of its first publication, and such entry or record, or a copy thereof, authenticated by the mayor, under the city seal, shall be presumptive evidence in all courts and places, of the due passage of such ordinance, of its having been duly published, and of the time of its first publication.

Clerk shall record, &c.

SEC. 13. All actions brought to recover any penalty or forfeiture incurred under this Act, or the ordinances, by-laws, or police regulations made in pursuance of it, shall be brought in the corporate name, and in any such action it shall be lawful to complain, generally, for the amount of each penalty or forfeiture, stating the section of this Act, or of the by-law or ordinance, under which the penalty is claimed, and to give the special matter in evidence, and the defendant may answer by simply denying the truth of the complaint, and give the special matter in evidence. The first process on any such action, brought in the municipal court, shall be by warrant, and execution may be issued immediately on the rendition of judgment. If the defendant, in any such action, have no goods or chattles, lands or tenements, whereof the judgment can be collected, the execution shall require him to be imprisoned in close custody, in the county jail, for a term not exceeding thirty days, or until such judgment shall be paid. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture, shall be defrayed by the city, and all penalties or forfeitures, when collected, shall be paid to the city treasury.

Of actions for penalties, forfeitures, &c.

SEC. 14. If judgment in any such action shall be rendered for or against the city, such judgment may be removed by appeal, to the county court, and if such judgment, which shall be rendered, be against the city, such judgment may be removed, by appeal to the county court, in the same manner and with the same effect, as though the city were a natural person, except that no undertaking or security shall be necessary to be executed by or on behalf of the city. Every such appeal, on the part of the city, shall be prosecuted by the city attorney, under the direction of the common council.

Judgment may be removed by appeal.

SEC. 15. The mayor, city clerk, city recorder, comptroller and city attorney, shall be ex-officio commissioners of deeds, of the city, and shall receive the same fees for their services as justices of the peace for like services.

City attorney to prosecute appeals.

Commissioners of deeds.

SEC. 16. The common council shall have power, by a vote of two-thirds of the members elected, whenever in its opinion, public convenience requires it, to permit the track of any railroad to be laid in, along, or across any street or public ground, and the common council shall have power to make any regulations, in relation thereto, they may deem best: *Provided*, such regulations are not inconsistent with the provisions of this Act, and the laws of this Territory.

Council may permit railroad tracks to run along the streets.

Proviso.

May authorize
mayor to
license porters
and butchers.

SEC. 17. The common council may authorize the mayor to license, with or without fee, porters and butchers, and may prescribe the terms and conditions on which the same may be granted, but shall receive no fees therefor.

License to be
paid into the
treasury.

SEC. 18. The mayor or other officers issuing any license, under this title, shall receive the sum therefor fixed, by the common council, and pay the same into the city treasury. He may examine into the sufficiency of any surety proposed by any person applying for such license, in the manner specified in the eighteenth section of the second title of this Act, and the depositions thus taken shall be filed in the manner therein specified.

Powers and au-
thority of city
recorder.

SEC. 19. The city recorder shall have exclusive, original jurisdiction of all cases arising under this Act, and under all the ordinances of this city. He shall have concurrent jurisdiction with each and every justice of the peace, and shall have all the powers, rights, privileges, jurisdiction and immunities, and be subject to all the duties of the justice of the peace, both in civil and criminal cases, arising under the laws of the United States, or the laws of the Territory, within the corporate limits of the city of Quindaro, subject to an appeal or *certiorari*, as allowed from justices' courts, by the laws of the Territory; and the city recorder shall receive the same fees, as are or may be allowed by justices of the peace. He shall have power to issue writs or executions, directed to the marshal or any constable, and shall hold a regular court, at such time as he may designate, once in each month, and for the transaction of business, arising under the city ordinance, shall hold a court whenever occasion may require.

TITLE IV.

Of Officers of the City — Their Powers and Duties.

Duties of the
mayor.

SEC. 1. It shall be the duty of the mayor, to see that the laws are faithfully executed, and to recommend to the common council such measures as he may think necessary or expedient. As the head of the police of the city, he shall maintain peace and good order, and for that purpose shall have the same authority to call out the power of the county, and the military, as is given by law to sheriffs of counties. He shall have the custody of the seal of the city, and authenticate such acts of the common council as shall require it, and all other instruments, papers and documents, that are required or authorized by law to be so authenticated. He shall have power to administer any oath or affirmation.

SEC. 2. In case the mayor shall be unable to perform the

duties of his office, in consequence of sickness or temporary absence, the common council shall appoint by ballot, by a majority of all the members present, one of their number, who shall have power to perform all the duties of mayor of the city, until the mayor shall resume the duties of his office.

In case of absence or sickness of mayor.

SEC. 3. The assessors, elected or appointed under this Act, shall constitute a board of valuation and assessment, for all city and county purposes, and the board shall have an office, to be provided by the common council, for the transaction of its business, and shall possess the powers of town assessors, except as otherwise provided by this Act, and the acts of a majority of said board shall have the same force, as though done by all the members thereof.

Duties of assessors.

SEC. 4. The common council may, from time to time, direct the city surveyor to prepare and furnish to the board of assessors, for their use, a brief description of any real estate in the city, or to prepare a roll or rolls, of any real estate in the city for said board of assessors, exclusive of the valuation. The common council may also take such measures as they shall deem expedient, to make the office of the board of assessors the repository of such maps, records, documents, surveys and other matters, as may facilitate the full and accurate description of the real estate in the city, and direct the manner of keeping them.

Council may direct surveyor to prepare for the assessors a description of the real estate &c.

SEC. 5. Copies of the minutes of the proceedings of the common council, certified by the city clerk, shall be evidence, in all courts and places, of the proceedings therein stated; and a copy of any paper, deed, conveyance, map, writing, document or record, of any description, certified by the mayor, under the seal of the city, to be a true and full copy of an original, and on file or of record, or properly deposited in any public office of the city, shall be in all courts and places presumptive evidence, at the date of the certificate of the existence of such original and its genuineness, due execution and contents.

Copies of minutes of council to be evidence.

SEC. 6. The city clerk shall countersign all licenses granted by the mayor, or any other officer authorized, and shall enter, in proper books, full minutes of all such licenses, and no such license shall be valid unless so countersigned.

Clerk shall countersign all licenses.

SEC. 7. The comptroller shall keep an accurate account of all orders drawn on the treasury, in a book to be provided for that purpose, and perform the duties of his office, in such manner as the common council shall prescribe. The books and entries of

Comptroller his duties.

the comptrollers shall be open for inspection at all reasonable hours.

Treasurer,
duties of.

SEC. 8. The treasurer shall receive all moneys, belonging to the city, and keep an accurate account of all receipts and expenditures, in such manner as the common council shall prescribe. All moneys shall be drawn from the treasury, in pursuance of the order of the common council, by warrants, signed by the mayor and city clerk, and countersigned by the comptroller; such warrants shall specify the purpose for which they were drawn, and the city clerk shall keep an accurate account of them, in a book to be provided for that purpose.

City attorney
his duties.

SEC. 9. It shall be the duty of the city attorney to perform all the duties pertaining to his office, under the direction of the common council.

Street commis-
sioner his
duties.

SEC. 10. The street commissioner shall have the general charge and supervision of the public highways, and public grounds of the city, and of all local and public improvements, except when otherwise ordered by the common council.

City surveyor.

SEC. 11. The city surveyor shall be subject to the direction of the common council.

Marshall, pow-
ers, &c.

SEC. 12. The marshal shall have the same power, rights, privileges, jurisdiction and immunities, and be subject to all the duties of sheriffs of the county, in addition to those conferred by law upon constables, and shall receive the same fees for his services.

Council to be a
board of excise

SEC. 13. The common council shall constitute a board, to be called the board of excise, who shall meet at the common council chamber, at such time as said board shall direct, or a majority thereof, for the purpose of hearing application for license.

City clerk shall
keep a record.

SEC. 14. The city clerk shall keep a full record of the proceedings of the board, in a book to be provided for that purpose, at the expense of the city, which record shall be certified by the president of the board and city clerk, who shall be clerk of the board.

Licenses.

SEC. 14. [15.] No license shall be granted within the city limits, except those granted by this board, nor without a majority of such board voting therefor.

Power of board
of excise.

SEC. 15. [16.] The board of excise shall have power, on every application for tavern license, or a license to sell fermented, distilled or intoxicating liquor, to grant the same, and to revoke, for cause shown, any license whatever, granted by such board.

In all cases when a license shall be revoked, the amount paid for such license shall be deemed forfeited to the city.

SEC. 16. [17.] At the first meeting of the board of excise, the board shall decide, by a vote of a majority of all the members elected thereto, whether any, and if any, what description of license shall be granted during the year. Shall decide what licenses to grant.

SEC. 17. [18.] The board of excise shall license wholesale and retail manufactures of intoxicating, distilled and fermented liquors, but shall receive no fees therefor: *Provided*, that such license shall not permit the sale thereof in less quantities than five gallons; for all other licenses, not including the sale of intoxicating, distilled and fermented liquors, not more than fifteen dollars, and for all licenses for the sale of intoxicating, distilled and fermented liquors, in less quantities than five gallons, a sum not less than one, nor more than five hundred dollars. Before any person shall be entitled to a license, under this title, to sell liquors herein specified, he shall execute to the said city, a bond with sureties, in the penal sum of two thousand dollars, to be approved by the common council, conditioned, that he will not keep a disorderly house, that he will not keep his place of business open on Sunday, nor will he sell or allow to be sold thereat, on Sunday, directly or indirectly, any intoxicating, distilled or fermented liquors, and in case of a wholesaler or manufacturer, that he will not sell in quantities less than five gallons; and upon any person being convicted of any of the offences, or a breach of the conditions herein enumerated, suit may be brought against the principals and sureties, to recover the amount of the fine or fines adjudged against him, on said conviction, in any court of competent jurisdiction. Nothing herein contained, shall interfere with, or prevent the sale of liquors, for medical purposes, by a druggist. Shall license manufactures of intoxicating liquors. Proviso.

SEC. 18. [19.] All licenses granted by the board, unless sooner revoked, shall expire on the first day of May next, after they are granted. Licenses shall expire, when.

SEC. 19. [20.] Every license shall be signed by the president and clerk of the board, and no license shall be delivered until the fee therefor shall have been paid to the clerk of the board. The clerk shall pay all moneys received for licenses, to the treasurer, to be placed to the credit of the general fund. Licenses shall be signed.

SEC. 20. [21.] The members of the board of excise shall severally receive, for each day's service in said board, the sum of Pay of board of excise.

two dollars; but no member shall receive pay for more than eight days' service in one year.

Sealer of weights and measures, how appointed.

SEC. 21. [22.] The city sealer of weights and measures, shall be appointed by the common council, and shall be under the direction of the common council.

Officers appointed, to receive a commission.

SEC. 22. [23.] Every officer appointed by the common council, shall receive a warrant or commission, under the city seal, signed by the mayor and city clerk.

Of salary of officers.

SEC. 23. [24.] The common council shall, within three months previous to the general election, fix the annual salaries of the city officers, to be elected at the next general election thereafter, under the provisions of this Act, and the salaries so fixed, shall not be increased or diminished during the term of any office.

TITLE V.

Of the Assessment and Collection of Taxes, and of the Funds and Expenditures of the City.

Council shall audit and allow accounts.

SEC. 1. The common council shall audit and allow all accounts chargeable against the city; but no unliquidated account or claim, or contract, shall be received for audit or allowance, unless it be accompanied with an affidavit of the person rendering it, to the effect that he verily believes, that the services or property therein charged, have been actually performed or delivered for the city; that the sums charged therefor are reasonable and just, and that, to the best of his knowledge and belief, no set-off exists, nor payment has been made, on account thereof, except such as are included or referred to, in such account or claim. It shall be a sufficient bar and answer, to any action or proceeding, in any court, for the collection of any demand or claim, that it has never been presented to the council, for audit or allowance, or if a contract, that it was presented without said affidavit, and rejected for that reason, or, that the action or proceeding, was brought before the council had a reasonable time to investigate and pass upon it.

All lands &c., liable to taxation.

SEC. 2. All lands, and all personal estate, within this city, whether owned by individuals or by corporations, shall be liable to taxation, subject to the exemptions hereinafter specified.

Definition of term "land."

SEC. 3. The term land as used in this Act, shall be construed to include the land itself, including one-half of the value of buildings, and other improvements thereon, and shall include all minerals, quarries, and every thing else belonging to the land, in a state of nature; and the term "real estate" and "real prop-

erty," wherever they occur in this Act, shall be construed as having the same meaning as the term "land" thus defined.

SEC. 4. The term personal estate and personal property, wherever they occur in this Act, shall be construed to include all household furniture, moneys, goods, chattels, debts due from solvent debtors, whether on account, contracts, note, bond or mortgage, public stocks, and stocks in moneyed corporations. They shall also be construed to include such portion of the capital of incorporated companies, liable to location on their capital, and shall not be invested in real estate.

Of personal estate and personal property.

SEC. 5. The following property shall be exempt from taxation: 1. Every poor-house, alms-house, house of industry, and every house belonging to a company incorporated for the reformation of offenders, and the real and personal property belonging, or connected with the same. 2. The real and personal property of every public or incorporated library, or library association. 3. All real and personal property belonging to the city, used by the city for city purposes, shall be exempt from municipal taxation.

Exempt from taxation.

SEC. 6. Every person shall be assessed in the ward or district where he resides, where the assessment is made for all lands owned by him in such ward or district.

Persons to be assessed where they reside.

SEC. 7. Land occupied by persons other than the owner, may be assessed to the owner or occupant, or as non-resident lands.

Lands assessed to either the owner or occupant.

SEC. 8. Unoccupied lands not owned by any person, residing within the city, shall be denominated as lands of non-residents.

Of unoccupied lands.

SEC. 9. The assessors shall, within a time to be specified by the common council, by ordinance, prepare an assessment roll, in which they shall set down five separate columns, according to the best of their [the] information in their power, 1. In the first column, the names of all the taxable inhabitants in the city, near or distant as the case may be. 2. In the second column, the quantity of land to be taxed to each person. 3. In the third column, the full value of such land according to the definition of the term land as given in this title. 4. In the fourth column, the full value of the taxable personal property owned by such person, other than merchandize. 5. In the fifth column, the mercantile capital which shall be estimated for taxation, as follows, to wit: That at the time of the assessment of any merchant's stock, the value of the stock of goods on hand, and also all moneys on hand, and credits due from solvent debtors, shall be appraised, and from the total amount thereof shall be deducted

Assessment roll, how prepared &c.

the indebtedness of such merchant on his stock of goods, and the balance shall be the amount to be entered for taxation. That the term merchandize or any of its synonyms, wherever used in this Act, of [shall apply to] goods kept for sale [or] for profit.

Guardians, administrators &c., how assessed.

SEC. 10. Where a person is possessed, or trusted guardian or administrator of property, he shall be assessed as such, with the addition to his name of his representative character; and such assessment shall be carried out in a separate line from his individual assessment. He shall be assessed for the value of the real estate held by him, in such representative character, at the full value thereof, and for the personal property held by him in such representative character, in the same manner as provided for in this title.

Of land of non-residents.

SEC. 11. The land of non-residents shall be designated in the same assessment roll, but in a part thereof separate from the other assessments, and made in the same manner.

Same.

SEC. 12. All non-resident or unimproved lands, shall be taxed the same as those of residents.

Duties of assessor.

SEC. 13. The assessors shall complete their assessment roll, within the time specified for that purpose, by the common council, and shall make out a fair copy thereof, to be left with one of their number, and another to be deposited with the city clerk. They shall also forthwith cause at least ten notices thereof to be put up in ten conspicuous places, in the city, ward or district, as the case may be, for which they are chosen. Such notice shall set forth, that the assessors have completed their assessment roll, and that a copy thereof is left with one of their number, at a place to be specified therein, where the same may be seen and examined, by any person interested, for two weeks. After revising their rolls, the assessors shall submit them to the common council, who shall have full power to equalize them, and also to correct any inequalities in the valuation of particular premises, or errors in description. The assessors shall prepare two copies of each roll; as equalized by the common council, and certify and deliver one of them to the comptroller, and the other to be kept by one of their number, at their proper office of business.

Comptroller may require estimates of expenses &c., from officers.

SEC. 14. The comptroller may, at any time, require from the various officers and heads of departments, and it shall be their duty to furnish him, in such form as he shall require, full and particular estimates, of the expenses of their offices and departments, for the current year. He shall prepare, and on or before the first day of March, present to the common council, a state-

He shall prepare statement

ment in detail, of the several sums which will be required to meet the expenses of the year, for all proper city purposes, and of the condition of the funds and revenues of the city, and showing what balances will, in his opinion, be necessary to be raised for specific purposes. The common council may alter or amend such statement, in their discretion, but not so that the aggregate amount to be raised shall exceed that recommended by the comptroller, unless such increase be made by a vote of three-fourths of the members elected.

of sums required.

SEC. 15. In such amount shall be included all sums necessary for school purposes, for the city, for twelve months, both for building and otherwise; an amount necessary to be raised for a city hall. The amount determined upon shall be raised, as on gross tax, on one assessment.

To include sums necessary for school purposes.

SEC. 16. The council shall not authorize drafts or warrants upon the treasury, for contingent expenses of the city, for the current year, to an amount in all exceeding the amount limited for that purpose, by the statement so adopted by them, including the balance of that fund in hand, as signified by the statement, and the additions to the fund from licenses and other sources of ordinary revenue, unless extraordinary expenditures shall be rendered necessary by some great public calamity; and in such case, the council may borrow a sum from the contingent fund, equal to the emergency, for a time not exceeding eighteen months, and shall provide for the repayment thereof, with interest, in and by the next general tax. But no such expenditures shall be authorized unless three-fourths of all the members elected to the council shall vote therefor.

Council shall not authorize drafts, &c., exceeding the amount limited

SEC. 17. The common council shall not, by drafts or warrants on the treasury, or by any other form of contract, create a liability for the city to pay a greater amount, in any one department of city expenditures than shall have been specified and provided for in the previous annual statement of the comptroller, as adopted by the common council; and any drafts, warrants or contracts that shall be issued or made after such specified amounts shall have been reached or exhausted by previous drafts, warrants or contracts, shall be void as claims against the city, but may be enforced as personal liabilities, jointly and severally against the members of the common council voting in favor thereof.

Council shall not create a liability greater than had been provided for.

SEC. 18. The comptroller, on the receipt of the assessment rolls, shall give notice in two consecutive numbers of the city

Comptroller shall give notice when the

tax roll is deposited with him, and that taxes may be paid to him.

paper, and by posting notices in at least ten conspicuous places, that the general tax rolls have been deposited with him, and that payment of the taxes, therein specified, may be made to him at any time within thirty days; that at the expiration of said thirty days, an addition of one per cent. will be made thereto on that day, and a like addition of one per cent. every fifth day thereafter, until such additions shall amount to ten per cent.

Taxes to be added to unpaid taxes.

SEC. 19. At the expiration of the thirty days mentioned in the last section, and on every fifth day thereafter, there shall be added to every unpaid tax one per cent. thereof, until the amount added be ten per cent. thereof; and then the amount of such tax and such addition shall be the unpaid tax, and shall bear interest from that day, at the rate of twenty-five per cent. per annum until paid; and thereupon a roll of such unpaid taxes and addition shall be made up by the comptroller.

Unpaid tax shall be a lien on the land.

SEC. 20. Every unpaid tax and assessment, with the addition thereunto authorized of one per cent. and the interest, at twenty-five per cent. per annum on the aggregate amount, shall be a lien upon the land upon which it is assessed or charged.

Transcript of unpaid taxes to be made.

SEC. 21. The comptroller shall prepare a transcript of the unpaid taxes, including the names of the owners, if any be given, the description of the parcels of land, and the amount of the taxes due thereon respectively, and enter the same in a book to be kept for that purpose; and he shall publish the same, and give notice in the city paper, once a week for two successive weeks, of the time and place of a sale at auction of such lands, to be had by him for the satisfaction of such taxes. The first publication of such notice shall be at least fifteen days before such sale.

Sale of land for taxes.

Comptroller shall prepare a list, &c.

SEC. 22. The comptroller shall, in like manner, prepare a list and keep a record of assessment on lands for any local improvement, or for city purposes herein authorized, which shall, by the rolls thereof, appear to be unpaid, and shall give the like notice of sale of all lands specified in the rolls of unpaid taxes, in his office, for the assessments unpaid thereon, as is prescribed in [the] last section.

Printer's fees, for advertising land.

SEC. 23. The printer's fee, for publication of any such notice of sale, and furnishing proof thereof to the comptroller, shall be twenty cents, for each and every parcel of land therein separately advertised for sale, whether the same be sold or not. Each parcel of land advertised for sale shall be subject to a further fee, to be called the comptroller's fee, but to belong to the city, of twen-

Comptroller's fee.

ty-five cents, in case a sale shall be prevented by payment, and of fifty cents, if a sale be had. A sale of any parcel may be prevented at any time, by payment to the comptroller of the full amount of the unpaid tax thereon, with the interest and the comptroller's and printer's fees.

SEC. 24. All such sales shall be made for the shortest term of years for which any person will take the premises, and pay the unpaid tax, with the interest and charges. Such payment shall be made before the conclusion of the sale, and if not so made, the comptroller may re-sell the property, or the city may have its action for the payment and interest, at fifteen per cent. per annum. The sale may be adjourned from time to time, until the lands are disposed of; and such as are not bid for, when offered for sale, or for re-sale, as aforesaid, shall be struck off to the city for the term of fifty years. A certificate of the sale of each parcel of land sold shall be made by the comptroller, and delivered to the purchaser. Such certificate shall contain a description of the property, and the term for which it was sold, and state the particular tax, and the amount thereof, with interest and expenses for which the sale was made, and the time when the right to redeem will expire.

Of sales, how made, &c.

SEC. 25. The comptroller shall enter and record in his office his proceedings upon such sales, and all sales made under certificates granted by him, and all redemptions and all proceedings whereby sales are defeated. He shall also file or record all notices of sale published by him, together with his own affidavit, or the affidavit of the publisher or foreman of the city paper, of the publication of such notices, and of all other notices which have been given by him. If any real estate so sold shall not be redeemed, or the sale be defeated, as hereinafter provided, the common council shall grant to the purchaser, his legal representatives or assigns, upon due proof of the facts, entitling him or them thereto, and upon the payment of one dollar, for the benefit of the city, a declaration in writing, under the corporate seal, signed by the mayor and attested by the clerk, containing a description of the premises, the fact of assessment, advertisement and sale, the date of the sale, and the period for which the premises were sold; which declaration may be recorded as a lease of real estate, and shall be presumptive evidence, in all courts and places, that such tax or assessment was legally imposed, and that due proceedings to authorize such sale were had. And such grantee may obtain

Comptroller shall record sales, &c.

If any real estate so sold shall not be redeemed.

possession thereof in the manner prescribed by law, in relation to persons holding over demised premises, after the expiration of their terms, without the consent of their landlords; and shall thenceforth have, hold and enjoy the said premises during the term for which the same were granted, to be computed from the day of the sale thereof, free and clear from all claim of any other owner or occupant of the same, but subject to the lean [lien] of all taxes and assessments that may have been charged thereon, at the time of such sale, or at any time thereafter; and at the expiration of such term, such grantee, his heirs or assigns, may remove any buildings or fixtures that may have been erected on the said premises, during the said term. The comptroller shall keep a register of all declarations of sale, granted pursuant to this section, in a book to be kept by him for that purpose.

If city become
the purchaser.

SEC. 26. If the city become the purchaser upon any such sale, certificates may be issued to it; and the same shall be assignable and it shall, in all respects, be regarded in the same light as any other purchaser.

Owners may re-
deem real es-
tate so sold.

SEC. 27. Any owner or claimant of any parcel of real estate so sold, or of any specific part, or undivided interest in, or share of such parcel, may, at any time after such sale, and within the time herein limited, redeem the same, by paying to the purchaser, his representatives or assigns, the amount paid by him, with the addition of twenty per centum per annum on such amount paid, the expense of any publication, and all other expenses incurred by him or them, or allowed by this Act; and on such payment being made, the title acquired by such sale shall cease. If the holder of the certificate be a non-resident of the the city, or absent therefrom, or unknown to the owner or claimant, he may, upon making affidavit of the fact, redeem, by paying such bid and interest to the treasurer, and depositing with him ten dollars, to meet the holder's said expenses, and his written promise to pay the residue, if any. Non-resident owners may appoint agents, residing in the city; and on filing such appointments with the comptroller, he shall enter the name of such agent, in a book to be provided by him, and kept in his office.

Notice shall be
given to owner,
requiring him
to redeem, &c.

SEC. 28. At any time after nine and within fifteen months after the sale of any parcel of land, for any tax, the purchaser, his representatives, or assigns, shall give notice to the owner, requiring him to redeem the same in six months thereafter, by making the payment above required. If such owner be a resident of the city, the notice shall be served on him personally; if

he be not a resident of the city, it shall be personally served on his registered agent, if he have one; if he have no such agent, then by publishing the same, once a week, for three consecutive weeks, in the city paper, and also by serving the same personally on the person in possession, if any. If the owner shall not redeem the land in six months after any such service, or the first publication of such notice, his right of redemption shall be divested; and an affidavit of any such service or publication, and of the facts authorizing the service by publication, taken before any officer authorized to take affidavits, to be read in courts of record and filed in the office of the comptroller, shall be presumptive evidence of facts therein contained.

If owner shall not redeem.

SEC. 29. Any person having a judgment or decree, which shall be a lien on the premises at the time of sale, may, within fifteen months thereafter, defeat the sale, in the same manner, and with the same effect as the owner or claimant of said premises may do; and he shall have a further lien on the said premises, for the amount paid by him, with interest, which may be added to his judgment or decree. The receipt of the comptroller, acknowledged or proved in the manner required, to entitle conveyances of real estate to be recorded, shall be evidence of such payment.

Person having a lien on the premises, may defeat the sale.

SEC. 30. The certificates of sale shall be presumptive evidence of the facts therein stated. A declaration of sale shall not be granted, until the certificate has been cancelled, and filed with the comptroller, unless the loss or destruction thereof be established by affidavit, to the satisfaction of the council, which affidavit shall be filed with the comptroller. If a declaration be sought by an assignee, the same evidence of the assignment shall be required, as to entitle a deed of real estate to be recorded.

Of declaration of sale.

SEC. 31. A declaration of sale shall be signed by the comptroller and mayor of the city, and shall convey to the person to whom it is issued, the title in the law of fee simple of the land it describes.

Shall be signed

SEC. 32. In case any taxable land has been omitted, in any of the general tax rolls, for any of the preceding years, the board of assessors may insert in the roll for the current year, in addition to its share of the tax for such year, the proportions of taxes it should have borne in such preceding year or years, stating such additional taxes separately; and such additions shall be collected as a part of the tax for the current year.

If land is omitted from tax roll.

SEC. 33. Whenever the common council shall discover that any land on which any tax remains unpaid has been so imper-

Council shall cause a description of land to

be annexed to
tax roll, when.

fectly or erroneously described that the same cannot, in their opinion, be located with certainty. or that the sale thereof would not convey to the purchaser a valid title to the lands intended to be charged with such tax, by reason of misdescription thereof, they shall cause an accurate description of the land intended to be charged with such tax to be annexed to the annual assessment roll, for the general fund of said city, and shall charge the said land with the amount of such taxes, with the interest thereon from the time the same should have been paid, specifying the purpose for which the land was originally assessed, and the time when it was returned for non-payment; and the amount so charged shall be collected in the same manner, and the same proceedings shall be had in case of non-payment thereof, as in relation to taxes for the general fund of the said city.

May create a
local improve-
ment fund.

SEC. 34. The council may, by a vote of two-thirds of the members elected thereto, create a local improvement fund, and direct a sum not exceeding five thousand dollars to be added to the amount of, and levied as a part of the general tax of any year, for such fund.

Assessment to
be made, &c.

SEC. 35. The common council may direct the expense of any local improvement, the original cost of which shall not exceed fifty dollars, to be paid out of such fund. The street commissioner shall keep an accurate account of all sums paid out of this fund. He shall annually, at least, and so often as required by the council, present to it a particular statement of each of such improvements, and the payments made therefor; and the council shall order an assessment of the sums so paid to be made upon the property benefited by the improvements, which assessment shall be denominated an assessment for the local fund expenditures.

When city may
borrow money.

SEC. 36. Whenever the city shall be the purchaser of any lands, at any sale for non-payment of taxes under this title, the common council shall borrow, on the credit of the city, a sum not exceeding the amount of the cost of such purchase, and shall apply such money solely to the payment of orders drawn against the taxes, for the non-payment of which such sales were made; and the moneys received on the redemption of such tax sales shall be applied to the payment of its money so borrowed; and all moneys so borrowed shall be repaid within two years from the time of such sale.

Comptroller
shall render
statements to
the treasurer.

SEC. 37. The comptroller shall render weekly, to the treasurer, in duplicate, a statement of the amount received by him the

previous week, specifying the fund on account of which every part thereof was received; and shall pay over the same to the treasurer, and take his receipt therefor, upon one of such statements, which shall be kept on file in the comptroller's office.

SEC. 38. The comptroller shall render to the common council, at such time in each year, a full statement of the receipts and expenditures of the city for the preceding year, embodying all such information as may be useful for understanding the fiscal history of the year, and the pecuniary resources and liabilities of the city, and the condition of every fund, general and local; and such statement shall be published in such manner as the common council shall direct.

Shall render statement to the council.

SEC. 39. After a local assessment shall be confirmed by the common council, the comptroller shall correct the clerical errors of computation, if any, in the roll, and shall endorse thereon the date of its reception, and thereupon publish notice that payment thereof can be made to him in the same manner, and all proceedings to be had thereon shall be same as provided for in sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 of this title, for the collection of the general tax.

Comptroller shall give notice, &c., of local assessment.

SEC. 40. At any time within twelve months after the return to the comptroller of any roll of unpaid taxes, he shall cause a personal demand of the unpaid taxes on personal estate to be made upon the respective persons assessed; and in case any person shall neglect or refuse to pay the tax so demanded, the comptroller shall, on filing in his office an affidavit of such demand, and neglect or refusal, issue, to any constable of the city of Quindaro, a warrant, signed by the said comptroller, commanding the said constable to levy and collect the tax so assessed, and ten per cent. in addition thereto, by sale of any goods and chattels in his possession, wheresoever the same may be found within the county; and no claim of any property to be made thereto by any other person shall be available to prevent a sale. Such warrant shall be made returnable at the office of the comptroller, within twenty days from the delivery thereof to said constable.

May make personal demand for unpaid taxes.

May command constable to levy and collect the tax.

SEC. 41. The constable shall give public notice of the time and place of sale, and of the property to be sold, at least six days previous to the sale, by advertisements, to be posted in three public places in the ward where such sale shall be made. The sale shall be by public auction, and, except as hereinotherwise provided, shall be conducted in the manner prescribed by law for the sale of personal property under justice's executions.

Constable shall give notice of sale, &c.

Of surplus of sales for taxes.

SEC. 42. If the property so levied upon shall be sold for more than the amount of the tax, and ten per cent. fees, to be paid the said constable for the collection thereof, the surplus shall be returned to the person in whose possession such property was when the levy was made, if no claim to such surplus by any other person. If any other person shall claim such surplus, on the ground that the property sold belonged to him, and such claim be admitted by the person for whose tax the same was sold, the surplus shall be paid to such owner; but if such claim be contested by the person for whose tax the property was sold, the surplus money shall be paid over by the constable to the comptroller, who shall retain the same, until the rights of the parties shall be determined.

Comptroller may issue new warrant.

SEC. 43. The comptroller may issue a new warrant as often as any warrant shall be returned unsatisfied, in whole or in part; and he may also authorize the city attorney to institute proceedings against the person assessed for the collection of the said tax and expenses, under the laws of the Territory.

Of proceedings for the collection of taxes.

SEC. 44. It shall not be necessary, in any proceeding for the collection of any tax, or in any suit or proceeding in which such tax shall come in question, to prove the validity thereof, or the regularity of any of the proceedings by which the same shall have been imposed; but said tax shall be deemed to be valid, regular and conclusive, subject to the right of any party to show the contrary by affirmative evidence. Nothing in this Act contained shall be construed to prohibit the common council from ordering and perfecting an assessment for any local work that has been done under a contract with the city, because of any error or informality in ordering or perfecting a previous assessment therefor, or from making a new assessment to pay for any lands that may have been taken for public use, in case a former assessment for such purposes shall be set aside, or prove to be irregular or invalid.

SEC. 45. The demand mentioned in section forty-one of this title, shall be deemed good, if a notice shall be left at the residence of such person, or at the place of business of such person, or deposited in the post office, properly directed to such person, and all assessment for taxes or personal property shall be a lien upon the property assessed, from the time of such assessment.

TITLE VI.

Council may subscribe in railroads, &c.

SEC. 1. The common council shall have power to subscribe stock, on behalf of said city, in railroads, turnpikes and bridges

in which said city may be interested, under the provisions and limitations as follows, to wit: The council may, at any regular or special meeting, adopt a resolution proposing to subscribe any amount of stock in any railroad in which said city may be interested, not exceeding ten per cent. on the entire tax duplicate of said town, or any amount of stock in any turnpike or bridge, in which said city may be interested, not exceeding five per cent. on the entire tax duplicate of said city.

SEC. 2. That in pursuance of the resolution mentioned in last section, notice shall be given, in the language of the resolution, by publication in a newspaper published in said city, and by printed hand bills conspicuously posted in at least ten public places, setting forth the amount of stock, so proposed to be subscribed, the work in which it is proposed to invest the same, and that such subscription shall be made only on the condition by the common council, that double the amount thereof has been or shall be subscribed, in good faith, by individuals, or other municipal subscriptions, and also setting forth [the] place and time (not less than twenty days after the publication of such notice) at which the voters in said city shall meet, to vote upon such proposed subscription, which election shall be conducted in the same manner as other general elections in said city; and if two-thirds of the votes cast at such election shall be in favor of such proposed subscriptions, then said council shall be fully authorized to subscribe the stock, as set forth in said proposition.

Notice shall be given.

Voters shall meet to vote upon the proposed subscription.

SEC. 3. In case any subscription, provided for in this article, shall be actually made, the mayor shall be authorized to cause treasury notes, for such sums as may be necessary to meet the exigencies of the subscription or subscriptions, of denominations of not less than five dollars for any such note, to be prepared, signed and issued, as provided for in section four of this title; but no such note shall bear more than ten per cent. interest per annum.

Mayor shall cause treasury notes to be prepared, &c.

SEC. 4. All notes issued under this title shall be signed by the treasurer, countersigned by the mayor and comptroller, and made payable to bearer, and shall possess, until redeemed by the city, all the negotiable features of a promissory note, payable to bearer.

Notes to be signed, &c.

SEC. 5. All such treasury notes shall be redeemable by the treasurer, after the expiration of not less than two, nor more than ten years after the date thereof; and after the expiration of such period, said notes shall be a legal tender for the payment

How redeemed.

of taxes, and all debts whatever, due the city, except fines and penalties for a violation of any excise law or ordinance.

Treasurer and comptroller shall keep a book, showing number, date, &c., of notes.

SEC. 6. The treasurer and comptroller shall each keep a book or books, provided for that purpose, at the expense of the city, showing the number, date, amount and rate of interest of each of such notes.

Penalty for counterfeiting treasury notes.

SEC. 7. If any person shall make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid in so doing, any note in imitation of, or purporting to be a treasury note issued as aforesaid, or shall pass, utter or publish, or attempt to pass, utter or publish any false, forged or counterfeit note, purporting to be a treasury note, knowing the same to be falsely forged or counterfeited, such person shall be deemed guilty of a felony, and, being convicted thereof by due course of law, shall be sentenced to be kept at hard labor in the prison of this Territory, if there be one; otherwise at hard labor at such place as the court shall provide, for the term of not less than three, nor more than ten years, and be fined in a sum not less than one thousand dollars.

TITLE VII.

Council shall perform duties of commissioners of common schools.

SEC. 1. The common council shall possess all the rights, powers and authority, and shall perform all the duties in and for the city, of commissioners of common schools.

City clerk to be clerk of commissioners.

SEC. 2. The city clerk of the city shall be the clerk of the common council, when acting as commissioners of common schools, and at all other times, and shall perform such duties imposed upon him, and be subject to such penalties for a neglect thereof, as the common council may impose.

Of public schools.

SEC. 3. All the public schools organized in the city of Quidaro shall be free to all white children, over the age of five, and under the age of eighteen years, residing within their respective districts; *Provided*, the term white shall not be held to exclude children of Indian blood.

Moneys raised for school purposes.

SEC. 4. All moneys raised for school purposes shall constitute a separate fund, to be called the school fund. A separate account thereof shall be kept by the proper officers of the city, and the moneys shall not be appropriated for any other purpose.

Schools for colored children to be provided.

SEC. 5. It shall be the duty of the common council to provide and maintain one or more free schools in the city for the colored children thereof, and may purchase lands, and erect thereon, furnish and maintain all buildings necessary for such schools, and

shall, from time to time, raise all money necessary for these purposes, by general tax.

SEC. 6. The common council may, whenever they shall deem it expedient, establish, maintain and regulate a central school, in which shall be taught the higher branches of English education and the classics, and purchase such land and erect such buildings thereon as may be necessary for the purpose, and raise the necessary funds or [as] a part of the general city tax.

SEC. 7. The common council shall have power, and it shall be their duty, whenever it shall be necessary, 1. To purchase or lease, in any portion of said city, land for school houses, and to fence and to improve the same. 2. To build on such lands, or any lot, owned by any district in said city, such buildings as to them shall appear suitable. 3. To complete, improve, enlarge or repair any school house, from time to time; to supply it with fuel, and such school apparatus, books, furniture and appendages as may be necessary, and to prescribe the studies to be pursued therein. 4. To make such ordinances as they may deem necessary for the prosperity, good order and government of the schools, and the preservation and security of the school houses and other property belonging to the school department of the city, and to prescribe the duties and powers of the superintendent of schools and school examiners, in all cases not provided for by this Act. 5. To divide the schools in said city into primary and higher departments, or otherwise; to prescribe regulations for the transfer of scholars from one department to another, and to direct the superintendent to provide suitable and efficient instructors for each department. 6. To order, from time to time, a tax to be levied upon the taxable property of any district, sufficient to pay all such sums as they may deem necessary to be expended in such district for the purchase of, or payment for land therein, and the building and furnishing of school houses and their appurtenances. 7. To appoint, from time to time, a board of examiners, to consist of three persons, whose duty it shall be, at least once in each school term, to visit and examine all the departments of the several public schools, and to report to the common council, at the close of each term, their condition and progress. Such examiners shall be paid by the city, not exceeding two dollars for each day actually spent by them in such examinations, not exceeding twelve days in any one year.

Powers and duties of council regarding schools.

SEC. 8. Whenever the common council shall hereafter order a lot to be purchased, and a school-house to be built thereon, ex-

When council shall order a lot to be pur-

chased and a school-house built thereon. Proceeding.

cept for the purpose of a central school; they shall describe the districts, upon which the expenses of the purchase of such lot, and the building of such house, shall be assessed; and the expenses of such lot and building shall be assessed by the board of assessors, in like manner as other assessments are made, upon the taxable property of that district only, except as instituted in the next section.

When new districts are composed, how assessed.

SEC. 9. When such new district shall be composed, in whole or in part, of one or more previously existing districts, in which there shall be one or more public school houses, the assessors, in making the assessment for such new lot and building, shall charge and assess upon the portions of such districts respectively, [respectively,] included in the new district, such sums as to them shall appear just, having regard to the actual value of such lots and buildings, as well as to the sums paid therefor, by the property included in such new district, and the balance shall be assessed upon the taxable property in such new district; but all such sums shall be included in one assessment roll, and shall be collected in the same manner as other assessments.

Duty of superintendent of common schools.

SEC. 10. The superintendent of common schools of the city, shall be the executive officer of the common council, to carry into effect all the provisions of this Act, and the ordinances and orders of the council in respect to common schools; and the common council may assign to the said superintendent, the performance of any duty required of them, in respect to the common schools of said city. He shall have power, and it shall be his duty, 1. To have the care and custody, and provide for the safe keeping of public school houses in said city. 2. To contract with, and employ all teachers of the several public schools therein, under the direction of the common council. 3. To contract for and superintend the building, enlarging, improving, furnishing and repairing of all school houses, ordered by the common council, and all repairs and improvements around the same. 4. To perform such other duties as may be, from time to time, imposed upon him by the common council.

His powers &c.

Council shall publish statement of schools &c.

SEC. 11. The common council shall, annually, publish a statement of the number of public schools in said city, the number of pupils instructed therein the year preceding, the several branches of education pursued by them, and the receipts and expenditures of each school, specifying the sources of such receipts and the objects of such expenditures.

TITLE VIII.

Of the Police of the City.

SEC. 1. The common council shall have power, by ordinance, to divide the city into police districts, and appoint as many policemen therein as may be necessary; but until such division, the whole city shall be one police district, and not more [than] four policemen shall be appointed.

Council may divide city into police districts.

SEC. 2. The common council shall have full power to establish and maintain a city prison or station house or prison work house, and for that purpose, shall have power to purchase or lease lands, and erect suitable buildings thereon.

May establish a city prison, &c.

SEC. 3. The common council shall fix all fees or salaries to be paid to the policemen, prescribe their duties, and remove them at pleasure, for good cause shown, in such summary manner as may be provided for by ordinance.

Shall fix salaries of policemen, &c.

SEC. 4. The mayor, under the direction of the council, to be expressed by a vote of two-thirds of the members elected, may offer a reward for the detection and apprehension of any offender against the city ordinances, or of the perpetrator of any high crime or misdemeanor committed within the city, to be paid on the conviction of such offender or criminal.

Mayor may offer reward for offenders.

TITLE IX.

Of Streets, Highways, Bridges, Public Improvements, and of the taking Private Property for Public Uses.

SEC. 1. The common council shall be commissioners of highways for said city; they may regulate, repair, amend, alter and clean the streets, alleys, highways, bridges, side and cross walks, drains, sewers, wharves in said city, and prevent the encumbering of the same in any manner, and protect the same from encroachments and injury; they may direct and regulate the planting, rearing and preserving of ornamental trees in the streets and parks of said city.

Council shall regulate streets &c.

SEC. 2. The common council shall cause such of the streets, lanes, alleys, highways, public squares, wharves or docks in said city, or any part or parts thereof, as have been laid out, but not recorded or sufficiently described, to be ascertained, described and entered on record, in a book to be kept by the clerk of the city.

Shall cause streets to be recorded.

SEC. 3. The common council may lay out, make and open streets, alleys, lanes, highways, grounds for markets, public

May lay out and open streets, alleys, &c.

grounds in said city, and alter, widen, contract, straighten or discontinue the same, but no building exceeding the value of three thousand dollars, shall be removed, in whole or in part, without the consent of the owner, nor shall the common council discontinue or contract any street or highway, or any part thereof, without the consent, in writing, of two-thirds of all the persons owning land adjoining such street or highway. They shall cause all streets, alleys, lanes, highways, market grounds, public grounds laid out by them, and every alteration thereof, to be surveyed, described and recorded, in a book to be kept by the clerk; and the same, when opened and made, shall be the public highways or grounds.

Before any street, alley & shall be laid out, council shall declare they intend to take the property for that purpose.

SEC. 3. [4.] Before any street, alley, lane, highway, market ground, public ground [or] levee, shall be laid out, widened, altered or straightened, by virtue of this Act, the common council shall, by resolution, declare that they intend to take and appropriate the property necessary for the same, and shall give notice of such intention, by publishing the same in the city paper, in three successive numbers.

Shall publish their determination &c.

SEC. 4. [5.] After the expiration of the said publication, the common council shall, by resolution, declare that they determined to take and appropriate the said property, for the proposed improvement, and they shall give notice of such determination, by publishing the same in the city paper, in five successive numbers, and that they will, on some day to be named in said notice, apply to some court of record, sitting in the county, and in said notice to be named, for the appointment of three commissioners, to ascertain and report the just compensation to be paid to the person or persons owning or having interest in said property.

Shall appoint commissioners &c.

SEC. 5. [6.] Upon the day designated in the said notice, or on some other day, to be named by the court, it shall hear the application, and appoint the said commissioners, and when any commissioner shall decline to serve, the same court may, on application of the city attorney, and without further notices, at any time during the same term, appoint another in his place.

Commissioners to take an oath

SEC. 6. [7.] The commissioners shall, before they enter upon their duties, take and subscribe an oath to be administered by some person authorized to administer oaths, faithfully to execute their duty according to the best of their ability. They shall give notice of the time and place of their meeting to view the said property, by publishing the same for two successive numbers in the city paper.

SEC. 7. [8.] The commissioners shall, all together, view such property, and may, in their discretion, receive any legal evidence, and may adjourn from time to time. They shall ascertain and award to the respective owners of the property to be taken, and to all persons or corporations interested therein, such damages therefor, as, in their opinion, will be a just compensation to them respectively. The report of the commissioners, signed by all of them, shall be returned to the common council within thirty days after their appointment.

Commissioners shall view the property &c.

SEC. 8. [9.] The common council, after the report of the commissioners is returned to them, shall give notice, by publishing the same in two successive numbers of the city paper, that the same will, on a day to be specified in said notice, be confirmed, unless objections to the confirmation thereof shall, before that time, be filed with the clerk; if no such objections be filed, the report shall, in their discretion, be confirmed by the council. If objections are made as aforesaid, any person interested, may be heard before the council touching the matter, on the day specified in said notice, or on such other day as the common council shall, for that purpose appoint, and the council shall either confirm or annul the report; but the common council may, before acting on the report, refer it back to the same commissioners, for the purpose of correcting errors in the description of property, or in the names of persons to whom any compensation may have been awarded.

Council shall give notice.

SEC. 9. [10.] If the common council shall annul any such report, the subject may be referred to three other commissioners, to be appointed by any court of record sitting in the county, upon a notice, to be published in two successive numbers of the city paper, of the intention of the council to apply to such court for their appointment.

If council annul the report.

SEC. 10. [11.] The commissioners shall proceed in all things, in making and returning the second report, as though it were the first; and the common council shall, in all respects, act thereon, as though it were an original proceeding. In case the common council shall confirm the report of the said commission [ers,] the same shall be final and conclusive, on all persons interested; but if the common council shall disaffirm the same, then all proceedings in relation to the matter shall be null.

Commissioners shall proceed to make a second report.

SEC. 11. [12.] The commissioners shall be paid from the general fund, a reasonable compensation for their services.

Pay of commissioners.

SEC. 12. [13.] In all cases when any real estate, subject to

In cases when real estate subject to a lease is taken by the council.

any lease or other agreement, shall be taken by the council, under this title, all the covenants and stipulations, contained in such lease or agreement, shall, upon the final confirmation of the assessment therefor, cease, determine and be discharged; and in all cases when a part only of any real estate shall be so taken, the said covenant and stipulations shall be so discharged, only as to the part so taken, and the municipal court of the city may, on the application of any party in interest to such lease or agreement, and after a notice, in writing, of eight days, upon the other parties interested, appoint three disinterested freeholders of the city, resident therein, to determine the rents, payments and conditions, which shall be thereafter paid and performed, under such lease or agreement, in respect to the residue of such real estate; and the report of the said freeholders, on being confirmed by the court, shall be binding and conclusive on all persons interested in such real estate.

City clerk to make record of proceedings &c.

SEC. 13. [14.] When the report of any commissioner appointed under this title shall have been confirmed, the city clerk shall make up a record of the proceedings, which shall contain all the resolutions of the common council, in relation thereto, the order of the court, appointing the commissioners, and all notices published in relation thereto, with the affidavits of publication. These papers shall be securely attached together, filed in the city clerk's office, and recorded at length in the book of street records. The papers so attached together and filed, or the record thereof, in the book of street records, or a copy thereof, authenticated by the mayor, under the city seal, shall be presumptive evidence in all courts and places, of the facts therein contained.

Council shall direct the compensation of the owner.

SEC. 14. [15.] The common council, upon the confirmation of any report of commissioners, shall direct the just compensation of the owner or owners, or any person or corporation, interested in the property, as ascertained by the report, together with the cost and expenses of the ascertainment, to be assessed upon the land benefited by the taking of the property; and the assessment shall be made as in other cases.

Shall pay the amount of compensation, when.

SEC. 15. [16.] Within one year after such ascertainment, the common council shall pay, or tender the several amounts of the compensation so ascertained, to the respective owners of the property taken; and in case any such owner shall refuse the same, or be unknown, or a non-resident of the city, or for any reason incapacitated from receiving his amount, or the right thereto be disputed or doubtful, the council may make payment

of the portion of such owner, into the office of the clerk of the county, accompanied with the facts and circumstances of each case, and a transcript of so much of the report of the commissioners as relates to the ascertainment of the portion so paid in. The county court shall have power and authority to order an investment of such money, or the payment of it over, on the ascertainment of the person entitled to it. Upon such payment or tender, or such payment to the county clerk, the fee of the land shall be vested in the city.

SEC. 16. [17.] The common council may cause any street, alley, lane or highway in said city, to be graded, leveled, paved, repaired, McAdamized or graveled, and cross and sidewalks, drains, wharves, sewers and aqueducts to be constructed, relaid and repaired upon application of a majority of the property holders residing on such street; and the expenses and all improvements made under this section, shall be assessed upon the real estate in said city, benefited by such improvement, in proportion to the benefit resulting thereto. They shall determine the amount to be assessed for any such improvement, and direct the city assessors to assess the amount so fixed.

May cause streets, alleys, &c., to be graded &c.

SEC. 17. [18.] Where no application is made by a majority of the property holders residing on such street, as mentioned in the last section, then the common council shall have power to order such improvement made, by making one-half of the aggregate amount of the expenses and cost thereof a local tax, as provided for in the last section, and the other half to be paid out of the general fund.

Expenses and cost thereof, how paid.

SEC. 18. [19.] All assessments ordered by the common council, unless otherwise provided for by this Act, shall be made by the board of assessors. They shall add to the amount of the assessment ordered, the expense of publishing the notices relating thereto, as estimated by them, and shall assess the whole amount upon the parcels of land to be benefited by the improvement, in proportion to such benefit. They shall also make an assessment roll, briefly describing the several parcels of land, on which the assessment is made. On the first Monday of every month, they shall give notice that such assessment rolls, specifying each by name, as shall have been completed, are at their office, and will remain there for five days. Such notice shall be published in one number of the city paper. Every such roll shall remain in the office for five days, from the date of the publication in the city paper. The assessors shall correct all errors,

Assessments when and how made.

whether clerical or of apportionment, and sign a fair copy, annex to it evidence of the publication, and deliver it to the clerk, to be submitted to the common council.

Persons interested may apply for a correction

SEC. 19. [20.] Any person interested may apply to the common council for the correction of the assessment; such application shall be in writing, and shall be delivered to the clerk within three days after the corrected copy of the assessment roll is delivered to the clerk. If there be no application, the assessment shall be confirmed. In case of an application, the common council shall appoint a time for hearing all persons complaining of the assessment, and give a notice thereof, in the city paper, describing the district assessed, and, upon such hearing, may direct the assessors to reconsider their assessment, or affirm it. If a reconsideration be ordered, the assessors shall make a new assessment, proceeding in all respects as hereinbefore prescribed. If such new assessment be annulled, it shall not be referred back to the assessors during that year.

When assessors are interested in an assessment.

SEC. 20. [21.] When one or more of the assessors shall be interested in an assessment to be made, the common council may appoint by ballot, three assessors, to make the assessment, who shall take the oath of office, attach it to the roll, proceed in all things as the assessors are required to do, and be entitled to such compensation as the council shall fix, and add the same to the sum to be assessed.

If owner of land sustain damage.

SEC. 21. [22.] If any owner of land situate on such street, lane, alley or highway, as shall be graded or leveled, will, in the opinion of the assessors, sustain damage over and above the benefit which may accrue to them by such improvement, the assessors shall assess such an amount as they [may] deem a reasonable compensation to such owners therefor, upon the real estate benefited by such improvement, in proportion to the benefit resulting thereto; and the assessors shall add the amount to the assessment roll and certify it therewith to the common council.

Owner may claim damages, when.

SEC. 22. [23.] When the established grade of any street, lane, alley or other highway shall be altered by the common council, under the provisions of this title, the owner of any lot or house fronting the same may claim damages therefor, and the assessors shall ascertain such damages and assess the same, as hereinbefore provided, upon the real estate benefited by such alteration.

Council may construct bridges &c.

SEC. 23. [24.] The common council may construct, repair and maintain bridges, reservoirs, and public pumps and wells, at

the expense of the city, or assess the expense thereof, or such portion of the expense thereof, as they shall deem equitable, on the land benefited thereby.

SEC. 24. [25.] The common council may assess, upon lands owned by non-residents of the city, and fronting paved streets, the expenses of cleaning the streets, sidewalks and gutters adjacent or in front of such lands, or in removing or abating nuisances upon, or in front thereof. Accounts of such expenses shall be kept by the street commissioner, and the clerk of the board of health respectively, and the assessment may be special, or be included in the assessments for the local fund expenditures.

Of lands of non-residents.

SEC. 25. [26.] The common council may maintain, improve, embellish and protect any public square, or area of the city, and, in case the expense thereof shall exceed two hundred dollars, shall cause such part thereof as they shall deem just, not being more than one-half, to be assessed on the lands benefited thereby.

Council may improve and protect any public square &c.

SEC. 26. [27.] All owners or occupants, in front of, whose premises, the common council shall direct sidewalks to be constructed or repaired, shall make or repair such sidewalks at their own cost; but if not done in the manner and within the time prescribed, the common council may cause them to be constructed or repaired, and assess the expense thereof upon the premises respectively.

Sidewalks by whom constructed.

SEC. 27. [28.] The common council shall not order the making of any improvement specified in this title, the expense of which, exclusive of the fees of assessment and collection, as first estimated, shall exceed two hundred dollars, unless by a vote of two-thirds of the members elected to the common council, and after publication of their intention to make such order, in two successive numbers of the city paper.

Council shall not order any improvement to exceed \$200, except &c.

SEC. 28. [29.] In case any assessment shall prove insufficient to defray the expenses of the improvement for which it was made, the common council may direct a further assessment, for the amount of the deficiency. Such assessment shall be founded on the first roll, and shall be made in the same manner as an original assessment. If on any assessment more money than is necessary for the purpose, shall be raised, the excess shall be credited to the future repairs and maintenance of improvements.

When any assessment is insufficient.

SEC. 29. [30.] No work exceeding two hundred dollars in amount, shall be ordered or contracted for under this title, until the assessment therefor shall have been confirmed by the common council.

Council not to lay out any street &c., through farm lands.

SEC. 30. [31.] Nothing contained in this Act, authorizes the common council to lay any street, lane or highway, through farm lands within the corporate bounds, without the consent of the owner or owners thereof.

Persons wishing to build where the grade is not established.

SEC. 31. [32.] Any person who wishes to build on any street, where the grade is not established, may give notice to the common council of his intention so to build, thereupon the common council shall cause the grade of such street to be established, within a reasonable time. If the common council neglect to do so, or if the grade shall be changed from the established grade, after such building shall be erected, then the city shall be liable for all damages incurred in consequence of such neglect or change; but if the person desiring to build do not give such notice, no damage shall be recompensed by the city, unless two-thirds of all the members elected to the common council shall vote in favor thereof.

Of assessment of farm lands.

SEC. 32. [33.] Nothing contained in this Act shall authorize the assessment of farm lands within the corporate lines, for more than their value as such farm lands.

TITLE X.

Council shall appoint health physician &c.

SEC. 1. The common council shall appoint a health physician, and two health inspectors, who shall constitute the board of health. The health physician shall be president of the board. The council shall prescribe, by ordinance, the powers and duties of the board and its members, and the physician.

SEC. 2. The city clerk shall be clerk of the board of health, and shall keep a record of its proceedings.

Meetings of board of health

SEC. 3. The board shall designate a place, to be called the office of the board of health, at which office the president, or in case of his inability to attend, one of the members shall attend, as often as is deemed necessary by the board.

Council may prevent the entrance of any pestilential disease &c.

SEC. 4. The common council shall have power to take such measures as they shall deem effectual, to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain and examine, for that purpose, every person coming from any place infected, or believed to be infected with such a disease; to establish, maintain and regulate a pest house or hospital, at some place within the city, or not exceeding three miles beyond its bounds; to cause any person who shall be suspected of being infected with any such disease, and who is not an inhabitant of the State, [Territory] to be sent out of the State,

[Territory] or to such pest house or hospital; to cause any person, not being a resident of the city, who shall be, or be suspected of being, infected with any such disease, to be sent to such pest house or hospital, if the health physician and the attending physician, if any, and one member of the board of health, shall certify that the removal of such resident is necessary for the preservation of the public health; to remove from the city, or destroy, any building, furniture, wearing apparel, or property of any kind, which shall be suspected of being tainted or infected with pestilence, or which shall be likely to pass into such a state as to generate or propagate disease; to abate all nuisances of every description, which are or may become injurious to the public health, in any manner that they may deem expedient; and from time to time do all acts, make all regulations, and pass all ordinances, which they shall deem necessary or expedient, for the preservation of health, and the suppression of disease in the city.

SEC. 5. The common council shall have power, from time to time, by a two-thirds vote of the members elected, to direct the filling up, draining and regulating any grounds, yards or cellars, within the city, which shall be unwholesome, and, by a vote of a majority, to pass such ordinances as they shall deem necessary, for the making, filling up, altering or repairing of all sinks and privies, and for directing the mode and material of constructing them in future, and for the cleansing of any house, building, establishment, lot, yard or grounds, from filth, carron or unwholesome matter of any kind, and may cause any of the improvements above mentioned, to be done at the expense of the city, on account of the owners, and cause the expense to be assessed on the real estate benefited thereby.

Power to abate nuisances, &c.

SEC. 6. The board of health, with the assent of the mayor, or in case of his inability to act, with the concurrence of two aldermen, may cause the removal of persons from any building which, in their judgment, is so crowded by persons dwelling therein, as to endanger the public health.

TITLE XI.

SEC. 1. The common council shall have power, by ordinance, to compel the sweeping and cleaning of chimneys, flues, stove pipes, and all other conductors of smoke, and to prevent chimney sweeps from sweeping, unless licensed as they shall direct; to prevent a dangerous construction or condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and appa-

May compel the sweeping of chimneys, &c.

ratus, used in any building or manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants of said city to provide fire buckets, and to regulate the use of them, in case of fire; to regulate the use of lights in buildings in which combustible articles may be deposited; to regulate the transporting, keeping and deposit of gunpowder, or other combustible materials; to regulate the carrying on of manufactories liable to cause fires, and to prevent the use of fireworks and firearms in the city; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire wardens, or other officers of said city, to keep away from the vicinity of any fire, all idle and suspicious persons, and to compel all persons to aid in the extinguishment of fires, and the preservation of property exposed to danger thereat, and generally to establish regulations for the prevention and extinguishment of fires, as they may deem expedient.

TITLE XII.

Miscellaneous Provisions.

Of perjury.

SEC. 1. Any person required to [take] any oath or affirmation, or to make any affidavit or statement under oath or affirmation, under any provision of this Act, who shall, under such oath or affirmation, in any such statement or affidavit, or otherwise, wilfully swear falsely as to any material matter, shall be guilty of perjury.

Competency of judges, witnesses &c.

SEC. 2. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder of this city, in any action or proceeding in which the city is a party, or interested.

SEC. 3. Any city officer, sued for his official acts or omissions, and any person sued for acts done by the command of any such officer, may, under a general denial in his answer, give special matter in confidence, and if final judgment shall be rendered, whereby such defendant is entitled to costs, he shall recover double costs.

Of money borrowed for a particular purpose.

SEC. 4. Whenever the common council shall borrow, or raise money for a particular purpose, it shall be applied to that purpose only; and every alderman who shall knowingly vote its appropriation to a different purpose, and every officer of the city, who shall knowingly assist in carrying into effect such appropri-

ation, shall be guilty of a misdemeanor, and on conviction thereof, shall be incapacitated from holding any office of the city, and no moneys shall be borrowed, unless by the vote of two-thirds of the members elected to the common council.

SEC. 5. The offices of city clerk, comptroller, treasurer, street commissioner and board of assessors, shall be kept open for the transaction of business, at such time and place as shall be designated by the common council.

Offices to be kept open.

SEC. 6. After this Act shall take effect, all acts and parts of acts inconsistent with, or repugnant to, this Act, are hereby repealed.

Acts repealed.

SEC. 7. This Act shall be submitted on the first Tuesday of February, in the year 1858, to a vote of all the actual *bona fide* residents within the limits described in the first title of this Act. At the time of the election of officers, if a majority of all the legal votes cast shall be in favor of the charter, then this Act shall take effect from and after such election. The inspectors shall prepare two ballots, one of which shall be written or printed, "for the charter;" and on the other, "against the charter."

This Act to be submitted to the people.

SEC. 8. It shall be competent for the first mayor elect to take the oath of office, before any justice of the peace, or notary public, residing within Wyandott township, in Leavenworth county, and the said mayor shall thereupon have full power and authority to administer the oaths of office to all other officers, elected or appointed under the provisions of this Act.

Oath of office of first mayor elect.

SEC. 9. For the purpose of the first election, certificates of election shall be granted to the respective officers by the inspectors of election; said inspectors, before entering upon their duties, shall take an oath to faithfully discharge the duty of such office impartially and according to the best of their ability, and shall have power to appoint their own clerks.

Inspectors of election to take oath, &c.

SEC. 10. For the purpose of the first election, N. B. Newman, G. Rodenburg and Samuel M. Davis, shall be, and hereby are constituted inspectors of election. In case of absence or refusal to serve, the voters present at the polls, at the hour of opening, shall fill such vacancy *vice vacante*.

Names of inspectors.

SEC. 11. The city clerk shall have the same power and authority to record deeds, mortgages and conveyances of all kinds, and all other papers required to be recorded by the courts of this Territory, as are given to county clerks within the county, by the laws of this Territory; and all of his official acts, as such recorded, shall have the same validity as those of such county

City clerk shall have power to record deeds &c.

clerk ; and shall also have power to receive and place on file, in his office, all papers required by the laws of this Territory, within the corporate limits, by the laws of this Territory.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BARCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER LXXXIX.

CITY OF TECUMSEH.

AN ACT to Incorporate the City of Tecumseh.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Boundaries of
the city of
Tecumseh.

SECTION 1. That all that Territory embraced within the following boundaries, to wit: Beginning at the center of section number one, township twelve, range sixteen, east of the sixth principal meridian, Kansas Territory; thence north to high water mark, on the north bank of Kansas river; thence east three-quarters of a mile; thence south along the legal sub-divisional eighty acre lines to a point one-quarter of a mile west of the centre of section number six, township twelve, range seventeen; thence west to the place of beginning, shall be known and called the City of Tecumseh; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name and style of the City of Tecumseh, and by that name shall be known in law, shall have perpetual succession, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within this Territory; may have a common seal, and the same may alter or change at pleasure, and shall have all the powers and privileges usually granted, or by any law of this Territory given to municipal corporations.

Powers of cor-
poration.

Election to be
held.

SEC. 2. Hiram Pardoe, James Gordon and George Osborn, or a majority of them, are hereby authorized to open a poll in Tecumseh, and conduct the election for the first mayor and board of aldermen of said city of Tecumseh. All legal voters residing

within said boundaries shall be entitled to vote at said election. Said election shall be held on the twenty-second day of February, A.D. one thousand eight hundred and fifty-eight, and the poll therefor shall be kept open from one o'clock P.M. till four o'clock P.M. of that day.

Persons entitled to vote.

SEC. 3. All the powers and privileges, rights and provisions of an act, passed by the Legislative Assembly of this Territory, at the session of 1855, entitled, "An Act to Incorporate the City of Leavenworth," excepting such provisions of said act as relate exclusively to slaves and their masters, and to free negroes and mulattoes, shall be, and the same are hereby conferred on the said city of Tecumseh; and the said city of Tecumseh is hereby authorized and empowered to proceed under the provisions of said act as fully and absolutely as if the same had been especially applied to said city of Tecumseh.

Powers, privileges, &c., of an act to incorporate the city of Leavenworth, passed 1855, conferred. Exceptions.

SEC. 4. The lands of Thomas N. Stinson, lying south of Hunter avenue and west of Eighth street, according to H. J. Strickler's survey and map of the city of Tecumseh, and Stinson's proposed addition thereto, shall be excepted and reserved from the operation of the local laws of the said city of Tecumseh, and shall not be taxed or interfered with by the said corporation, without the consent of the said Thomas N. Stinson.

Lands exempted from local laws of the city.

SEC. 5. It shall be the duty of the mayor and board of aldermen, at all times, to provide for and maintain one or more public schools, free for the tuition of all children or persons under twenty-one years of age, who may reside within the limits of said city. Said school or schools shall be under the immediate superintendence and control of a board of education, which shall consist of one school commissioner, elected annually in each ward, who with the mayor of the city, as president of the board, shall select teachers and provide rules for the general government thereof; and the mayor and board of aldermen shall have power, from time to time, whenever necessary, to levy and collect a special tax for the support and maintenance of said school.

Of public schools.

SEC. 6. Said board of education shall receive, have charge of, and control the school funds and school lands of said city, or to which said city, as a municipal township, may be now or hereafter entitled.

Board of education.

SEC. 7. The first mayor and board of aldermen elected shall take office on and from the said 22nd day of February, A.D. 1858, and shall have power to appoint all other officers authorized by this Act or charter; and the persons so elected or ap-

Officers to be appointed.

Term of office.

pointed shall hold their offices for the term of one year from that day, or until their successors are elected and qualified.

Authorized to purchase stock in bridge company.

SEC. 8. The mayor and aldermen shall have power and authority to subscribe or purchase stock in the Kansas River Bridge Company, in the name and for the use and benefit of said city, to an amount not exceeding twenty thousand dollars, and may issue city bonds therefor, bearing interest at ten per cent. per annum, the principal to be made payable in not less than five years from date.

This Act shall take effect immediately.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved, February 9, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER XC.

CITY OF TOPEKA.

AN ACT supplemental to an Act entitled "An Act to Incorporate the City of Topeka." Approved February 14, 1857.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Powers, privileges, &c., conferred.

SECTION 1. That the 2nd section of said Act, appointing F. L. Crane, M. C. Dickey, T. G. Thornton, F. T. Walkley and L. G. Cleveland, trustees of said corporation, shall be so construed as to make it the duty of the trustees aforesaid, to organize the government of said city in pursuance of said Act, with all the powers, privileges, rights and provisions of an act entitled "An Act Incorporating the City of Leavenworth," passed at the first session of the Legislative Assembly of the Territory of Kansas; and also to take all needful measures to perfect the title of all the lands embraced within the limits of the said city of Topeka.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved January 27, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER XCI.

REGISTRY OF DEEDS FOR THE CITY OF TOPEKA.

AN ACT Legalizing the Registry of Deeds for the City of Topeka.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the books of registry of transfer of lots in the city of Topeka, as kept by F. W. Giles, be, and the same are hereby legalized, and shall be evidence in all courts of law or equity, of the transfer of title in said city of Topeka; and it shall be the duty of all persons to have the transfers of title registered in the said registry, until such time as the fee simple of said lots can be obtained from the United States or others, when the same shall be recorded in the records of the office of the county in which said city of Topeka is situated, and the said books then filed. Books of registry legalized.

SEC. 2. No preferences shall be given to any person by reason of prior registry in said books of record, up to this time, when two or more persons may have a deed to the same lot; but those of the oldest in date shall take precedence.

This Act to take effect and be in force from and after its passage,

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

O. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER XCII.

TRUSTEES AND CONVEYANCES FOR THE CITY OF LAWRENCE.

AN ACT Legalizing the Appointment of Trustees and Regulating Conveyances for the City of Lawrence.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Whereas, John P. Wood, Joel Grover, Samuel S. Snider, G. W. Hutchinson and William H. R. Lykins, and their success- Preamble.

ors, were appointed Trustees of the City of Lawrence, at a public meeting of the citizens thereof, held in March, A.D. eighteen hundred and fifty-five; *And, whereas*, one William H. R. Lykins became the owner of a Wyandott float or reservation, and laid the same on the present town site of the city of Lawrence, in accordance with articles of agreement between said Lykins and the Trustees of the said city, for and in behalf of the original proprietors; *And, whereas*, the said Lykins appointed the above named trustees his trustees, for the purpose of transferring to the said original proprietors, their heirs or assigns, any title that he shall receive from the Government of the United States; *And, whereas*, the said trustees appointed one E. D. Ladd, register of deeds of transfer of lots in said city of Lawrence;

Therefore,

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of trustees.

Authority.

SECTION 1. That the said John P. Wood, Joel Grover, G. W. Hutchinson, Samuel S. Snider and William H. R. Lykins, and their successors, be, and the same are hereby authorized and required to execute said trust, and convey any and all the title that the said William H. R. Lykins may receive from the government of the United States or others, to the said proprietors of the said town of Lawrence, or their assigns, as soon as practicable, according to their respective interest in said town lots, as shall appear on the records of said E. D. Ladd.

Acts of E. D. Ladd, as register, legalized.

SEC. 2. That the official acts of the said E. D. Ladd, as register as aforesaid, and the records kept by him, be, and the same are hereby legalized, and shall be evidence, in all courts of law and equity, of the transfer of titles in said city of Lawrence; and it shall be the duty of all persons to have their transfer of titles registered in the office of said register of deeds, until such time as the fee simple to said lots shall be obtained from the government of the United States or others, when said official acts and books of record shall be filed in the recorder's office of the county in which said city of Lawrence is situated, as a part of the record of said office.

No preference given on account of prior registry.

SEC. 3. No preference shall be given to any person by reason of prior registry in said book of record, where two or more persons have deeds to the same lot, recorded previous to February 20, 1857; but those of the oldest date shall take precedence.

Of conveyances and transfers of town lots, &c.

SEC. 4. All conveyances and transfers heretofore made of any town lots or other pieces or parcels of land in the said city of

Lawrence, or other instrument of writing, whereby the same may be in any way effected in law or equity, signed by the party or parties making such conveyance or transfer, and recorded in the office of said register of deeds, shall be understood to convey to the grantee all the right, title, interest and claim which the grantor had of and in said lots, pieces or parcels of land, at the time of such conveyance, and also all the title which he or they shall subsequently acquire by virtue of a title to the town site of said city of Lawrence, issuing from the United States.

SEC. 5. In case any such conveyance or other instrument in writing is not witnessed, acknowledged or proved according to law, it shall be sufficient for the conveyance of title, as above provided, to prove the genuineness of the signature to the same, by at least two disinterested witnesses, on oath, before any officer authorized to take acknowledgments of deeds, a certificate of which proof, signed by such officer, shall be recorded in the office of the said register of deeds.

If any such conveyance is not witnessed, proceeding.

SEC. 6. The acknowledgment proof, by subscribing witness or by genuineness of signature, of such conveyance, transfer, or other instrument in writing, if made out of this Territory, shall be taken by some judge or clerk of some court of record, under the seal of said court, or by some notary public or justice of the peace, certified by some such judge or clerk, under the seal of said court.

Proof to be taken before a judge or clerk or justice of the peace.

SEC. 7. No dower shall attach to any such property in the city of Lawrence, until the title thereto shall be obtained from the United States. Any vacancy occasioned in said board, by removal or otherwise of any or either of the said trustees, may be filled by the remaining trustees of said board.

No dower to attach to property.

Vacancy in trustees, how filled.

SEC. 9. This Act to take effect and be in force on and after its passage.

[Signed.]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XCIII.

CITY OF WHITE CLOUD.

AN ACT to Incorporate the City of White Cloud.

Be it enacted by the Governor and Legislative Assembly [of the Territory of Kansas:]

Corporation established.

SECTION 1. The inhabitants of the town of White Cloud, included within the limits hereinafter described, in the county of Doniphan and Territory of Kansas, are hereby declared a body politic, by the name and style of the City of White Cloud, and by that name shall have perpetual succession, and a common seal, which they may change and alter at pleasure.

Corporate limits of said town.

SEC. 2. The following shall be the corporate limits of said town, to wit: All that portion of the town that is laid off in fractional section No. nine, in township No. one, and range No. nineteen, and known as the original town plot, and including all that portion of the Missouri river, bounding on said town plot, lying in the Territory of Kansas.

City council may extend limits.

SEC. 3. That the city council [of] the city of White Cloud shall have power to extend the corporate limits over any addition to said city, not included in the present limits, whenever two-thirds of the inhabitants of said addition shall petition to the city council for that purpose: *Provided*, however, that it shall first be submitted to a majority of the citizens of the city; and if the majority be in favor of receiving said addition, then the same shall become annexed to the city, and form a part of the corporate limits thereof; and the inhabitants and the property therein shall be thereafter entitled to all the rights and benefits of the other inhabitants and property within the city, and shall be liable to assessments and taxation for city purposes, as if such territory were originally included.

Proviso.

Powers conferred on inhabitants of said city.

SEC. 4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, within the city limits and beyond the corporate limits, for burial grounds and other public purposes, for the use of the inhabitants of said city, and again to improve, lease or sell the same for the use of the inhabitants aforesaid and the general prosperity of the city; to protect and improve all public grounds and landings on the river; to hypothecate or

mortgage any real estate of the city, and borrow money on the public faith by a vote of two-thirds of the property holders of said city thereof, and to do and perform all such matters and things in relation to the property of the city, as natural persons could lawfully do.

SEC. 5. The inhabitants of said city, by the name and style aforesaid, shall have power to provide and establish, by ordinance, all necessary organic and municipal laws, rules and regulations, for the government of the inhabitants, and enforcing the same; and the same again to alter, change or repeal at pleasure; and shall retain all the rights and privileges which they have heretofore possessed, by virtue of the provisions of the original town charter; and particularly the right to and control over all public streets, public grounds and public landings on the river, the ferry privileges excepted, to the exclusive use of the city, and within the corporate limits, as herein set forth and described.

May by ordinance establish municipal laws, &c.

SEC. 6. The enacting clause of all ordinances shall be "Be it ordained by the City Council of the City of White Cloud;" and all ordinances shall be published in such manner as may be provided by ordinance prescribing the same, and no ordinance shall be enforced until published.

Enacting clause of city ordinances.

SEC. 7. All free white male citizens, who have arrived at the full age of twenty-one years, and who shall be entitled to vote for Territorial officers, and who shall have resided within the city limits at least six months next preceding any election, and, moreover, who shall have paid a city tax or license, according to ordinance, shall be eligible to vote at any ward or city election for officers of the city.

Competency of voters.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXIV.

BATTLE HILL TOWN ASSOCIATION.

AN ACT to Incorporate the Battle Hill Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporators.

SECTION 1. That Cyrus Tator, O. C. Brown, L. C. Connery, R. W. Wood and M. F. Conway, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Battle Hill Town Association, and by that name shall be capable of making contracts, suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory. Said association is authorized to have and to use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as, from time to time, may be deemed necessary for the government of such association and the management of its affairs.

Authority.

Powers of.

SEC. 2. That the corporation hereby created shall have power to purchase and hold, to enter by pre-emption or otherwise acquire title to any quantity of land, not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same.

May pass by-laws, &c.

SEC. 3. That the said association shall have power to pass by-laws for the election of such officers, at such times as may be necessary to carry out the business of said association; and all deeds for the conveyance of the real estate of said association shall be signed by such officers of said association as the by-laws of said association shall designate, which deeds shall be duly executed and acknowledged, as other conveyances of real estate; and when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of law and equity in this Territory or elsewhere.

Stock deemed personal property.

SEC. 4. That the stock of this association shall be deemed personal property, and the said association may, by by-laws, prescribe rules for issuing and transferring the said stock, by each individual stockholder.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER XCV.

TOWN OF BACHELDER.

AN ACT to Incorporate the Town of Bachelder.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That Bradley E. Fullington, Samuel D. Houston, Moses Younken, Abraham Barry, Martin F. Conway, and their associates and successors, are hereby constituted a body corporate, by the name and style of the Bachelder Town Company, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

Authority.

SEC. 2. That the corporation hereby created shall have power to purchase or pre-empt and hold any quantity of land in the Territory of Kansas, county of Riley, where the city of Bachelder is now located, not to exceed six hundred and forty acres, and to lay the same off into parcels, squares and lots, and to sell, dispose of and convey the same by deed or otherwise.

Powers of corporation.

SEC. 3. That the said company shall have power to pass by-laws for the election of officers, at such times as may be necessary to carry on the business of the company; and deeds for the conveyance of the real estate of the company, shall be signed by such officers as the said company may by their by-laws designate, which deeds shall be acknowledged as other conveyances of real estate, and when so signed and acknowledged, shall be

May pass by-laws &c.

deemed and held a sufficient execution and authentication of such deeds, in all courts in this Territory or elsewhere.

Of transfer of
stock.

SEC. 4. That the company may, by by-laws, prescribe rules for the transfer of the stock of the same by each individual stock or shareholder.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XCVI.

BIG BLUE CITY ASSOCIATION.

AN ACT to Incorporate Big Blue City Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of cor-
porators.

SECTION 1. Nelson McCracken, William Kempf, Samuel B. Williams, John B. Chapman, J. W. Morris and Henry W. Ide, their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the Big Blue City Association, and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded in all matters whatsoever. Said association is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said association, and the management of its affairs.

Authority.

Officers.

SEC. 2. The officers of said association shall consist of a president, secretary and treasurer, who shall be elected at the first meeting of the association, and shall hold their offices for the term of one year, and until their successors are chosen.

Term of office.

Powers of cor-
poration.

SEC. 3. The corporation hereby created shall have power to purchase and hold any quantity of land in the Territory of Kansas, where the town of Big Blue City is now located, not to exceed six hundred and forty acres, and to lay off the same into

parks, squares, blocks and lots, streets, avenues and alleys, and to sell, and dispose of, and convey the same by deed.

SEC. 4. The said association shall have power to pass by-laws, ^{May pass by-laws, &c.} regulating the time for its meetings, and controlling the same; and all deeds for the conveyance of the real estate of the association, shall be signed by the secretary, and attested with the seal of the corporation; and when so signed and attested, and acknowledged by the secretary, as his free act for and in behalf of the association, shall be deemed and held sufficient to pass all the interests of the corporation in such real estate.

SEC. 5. The said association may, by by-laws, prescribe rules ^{Of transfer of stock.} for the transfer of stock and shares in said town, and shall have power to tax the said stock and shares, for the purpose of entering the land upon which the town is located, and for other general purposes.

SEC. 6. Four members of said association shall constitute a ^{Quorum.} quorum for the transaction of business, and all acts done by them shall be binding on the corporation.

This Act shall take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 1, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER XCVII.

BROOKLINE TOWN COMPANY.

AN ACT to Incorporate the Brookline Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That William McKay, Frank Palmer, W. W. Ross, ^{Names of corporators.} Thaddeus Prentice, William Nettleton, Jacob Branson, William McKenney, John T. Moore, John Compton, James Gleason, Jasper Gleason, G. W. Fitz, Nicholas McKenney, J. G. Rich, Thos. Breas, Geo. Smith, Earnest Smith, their associates and successors, are hereby constituted and declared a body politic and

Authority. corporate, in the name and style of the Brookline Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory; to have and use a common seal, which may be altered at their pleasure, and to make all necessary by-laws for the regulation of said company.

Powers of corporation.

SEC. 2. That the corporation hereby created shall have power to purchase and hold, or to enter by pre-emption or otherwise, any quantity of land where said town of Brookline is now located, not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same.

Of deeds of conveyance

SEC. 3. That all deeds for the conveyance of real estate of such company, shall be signed by such officers of said company as the by-laws thereof shall designate, which deeds shall be duly executed and acknowledged, as other conveyances of real estate, and when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory or elsewhere.

Stock deemed personal property.

SEC. 4. That the stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for issuing and transferring stock by each individual stockholder.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XCVIII.

TOWN OF BLOOMINGTON.

AN ACT entitled "An Act to Incorporate the Town of Bloomington."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That all that tract of country, which comprises Boundaries. the north half of section number twenty-four, in township number thirteen, south, in range eighteen, east, in the county of Douglas, shall be, and the same is hereby incorporated into a town by the name of Bloomington, and by that name shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended, in all courts of Authority. law and equity, and in all matters whatever; may grant, purchase, receive and hold property, real personal and mixed, within said town, or may purchase or receive, by donation or otherwise, any amount of land within the limits of said town, for the erection of any public buildings, and also any amount of land within two miles of said town, necessary for the purpose of a burial ground; and may in the same name, do all acts as natural persons, may have a common seal, and may alter or change the same at pleasure.

SEC. 2. That the corporate powers and authority of said town of Bloomington, are hereby vested in a board of trustees, to be called the Board of Trustees of the Town of Bloomington. Board of trustees.

SEC. 3. That the board of trustees shall consist of five members, and shall have authority to pass all ordinances, necessary for the good of the town, and not inconsistent with the constitution and laws of the United States, or the laws of this Territory. Number of members, &c.

SEC. 4. That William Jessee, Paul H. Berkaw, Edwin Stokes, Shubal Swain and William Terry, are hereby made and constituted the first board of trustees for the said town of Bloomington, and such board shall select one of their number as president of the board, and shall also select a clerk of the board, and shall hold their meetings at such times and place, as the said board shall agree upon. Names of trustees.

SEC. 5. That the president of the board of trustees, shall have all the powers and privileges of a justice of the peace, within the corporate limits of said town, in all matters arising under the ordinances of said town, and he shall do and perform all duties under, and by virtue of, any ordinance which may be prescribed Powers of the president.

by said board of trustees: *Provided*, that in case of vacancy or absence of such president of the board, any justice of the peace shall have and possess all the judicial power of said president, under any such ordinance, and such president shall receive the same fees as a justice of the peace for sundry [similar] services.

May appoint officers.

SEC. 6. That the board of trustees may appoint a town constable, collector, treasurer, and such other officers as they may deem necessary, and they shall provide for paying [for] the services of such officers, and prescribe their powers and duties.

Powers of board of trustees.

SEC. 7. That the board of trustees shall have power, by ordinance, to levy and collect a tax on all lawful subjects of taxation, not exceeding one-half of one per centum, to remove and prevent nuisances, to prevent and restrain bawdy houses, to restrain and prevent gambling, to regulate or prohibit dram shops, or the sale of spirituous liquors, to regulate circuses, to protect property from fires, to prevent the introduction and spread of disease, and by ordinance, to do all things necessary and lawful for the good and prosperity of the town.

Election to be held, when.

SEC. 8. That the board of trustees shall have power to open and repair all streets and alleys in said town.

SEC. 9. That there shall be held on the first Monday of January, A. D. 1859, and on the first Monday of every January thereafter, at such place as the board of trustees shall select in said town, an election for five trustees, and those persons having the highest number of votes, shall be declared duly elected, and such election shall be conducted, and said trustees shall be qualified, in such manner as may be prescribed by ordinance, and all laws enacted, and all vacancies filled in such a manner as may be prescribed by ordinance.

SEC. 10. A quorum for doing business shall consist of four, and no ordinance shall be passed without a vote of the members.

This Act to take effect on and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER XCIX.

BURLINGTON TOWN COMPANY.

AN ACT to Incorporate the Burlington Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That O. E. Learnard, A. D. Searle, J. A. Lavenbee, their associates and successors, are hereby constituted and declared a body corporate and politic, by the name and style of the Burlington Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever in all courts of law or equity in this Territory or elsewhere. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations from time to time, as may be deemed necessary for the government of the company and the management of its affairs.

Names of corporators.

Authority.

SEC. 2. The corporation hereby created, shall have power to purchase and hold, to enter by pre-emption or otherwise, any quantity of land not exceeding one thousand acres, the same to include the town of Burlington as now located, and to lay off the same into lots, blocks, streets, alleys, parks, avenues and squares, and to sell, dispose of and convey the same.

Powers of corporation.

SEC. 3. The said company shall have power to pass by-laws for the election of officers, at such times as may be necessary to carry out the business of said company, and all deeds for the conveyance of the real estate of said company, shall be signed by such officers of the said company as the by-laws of said company shall designate, which deeds shall be duly signed and acknowledged as other conveyances of real estate, and when so signed and acknowledged, shall be deemed and held sufficient execution and authentication of such deeds in all courts in this Territory or elsewhere. The said company may establish an office of record, and appoint a recorder, whose duty it shall be to record all sales and transfers of real estate within the limits of said town, and every thing pertaining to such sales and transfers, which record shall be held as good and valid evidence in all courts in this Territory and elsewhere, as if the same had been recorded in the county records.

May pass by-laws &c.

SEC. 4. [That] said company shall have power to erect buildings for dwellings, hotels, manufacturies and machinery, and

May erect buildings.

such other improvements as may tend to promote the interest of the company and the general prosperity of the town.

Stock deemed personal property.

SEC. 5. [That] the stock of the same shall be deemed personal property, and the said company may, by by-laws, prescribe for the issuing of said stock by the company, and the transferring of the same by each individual stockholder.

SEC. 6. [That] it is the intention of this Act to grant no right or privileges inconsistent with or contrary to the laws of Congress, in such cases made and provided.

Act repealed

SEC. 7. An act entitled "An Act to Incorporate the Town of Burlington," approved February 20, 1857, is hereby repealed.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER C.

BURLINGAME TOWN COMPANY.

AN ACT to Incorporate the Burlingame Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of incorporators.

SECTION 1. That Philip C. Schuyler, Samuel B. Canniff, George Bratton, John Drew, Nicholas Schuyler and James Rodgers, their associates and successors, are hereby constituted and declared a body corporate and politic, by the name and style of the Burlingame Town Company, and by that name shall be capable, of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory. Said association is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations, as from time to time may be deemed necessary, for the government of said company, and the management of its affairs.

Authority.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and enter by pre-emption or otherwise, any quantity of land in the county of Shawnee, not to exceed six hundred and forty acres, and to lay the same off into lots, blocks, streets, squares and avenues, and to sell, dispose of and convey the same, and said town shall be called Burlingame.

Powers of corporation.

SEC. 3. The said company shall have power to pass by-laws, for the election of such officers, at such times as may be deemed necessary, to carry on the business of said company; and all deeds for the conveyance of the real estate of the said company, [shall be signed by such officers of said company,] as the by-laws of the said company may designate, which deeds shall be duly executed and acknowledged, and when so duly executed and acknowledged, shall be deemed and held sufficient execution and authentication of such deeds in all courts in this Territory, or elsewhere.

May pass by-laws &c.

SEC. 4. The above named board of trustees, shall have power to fill all vacancies which may occur in their body, by death resignation or otherwise.

Vacancies how filled.

SEC. 5. The stock of the same shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of said stock, by each individual stockholder.

Stock deemed personal property.

SEC. 6. *Provided*, nothing herein contained shall be construed to conflict with the act of Congress in relation to the pre-emption of town sites.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 1, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CI.

BUFFALO TOWN COMPANY.

AN ACT entitled "An Act to Incorporate the Buffalo Town Company."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporators.

SECTION 1. That S. C. Russell, S. C. Smith, P. H. Townsend, Chas. F. Garrett, A. D. Searl, Franklin M. D. Hunt, their associates and successors, are hereby constituted and declared a body corporate, by the name and style of the Buffalo Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory or elsewhere. Said company is authorized to have and use a common seal, and to alter the same at pleasure; and to make such by-laws and regulations, from time to time, as may be deemed necessary for the government of the company and the management of its affairs.

Authority.

Powers of corporation.

SEC. 2. The corporation hereby created, shall have power to purchase and hold, to enter by pre-emption, or otherwise, any quantity of land, not exceeding six hundred and forty acres, in Hunter county, and lay the same off into lots, blocks, streets, alleys, parks, avenues and squares, and to sell, dispose of and convey the same.

May pass by-laws &c.

SEC. 3. The said company shall have power to pass by-laws for the election of officers, at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company, shall be signed by such officers of said company, as the by-laws of said company shall designate, which deeds shall be duly signed and acknowledged as other conveyances of real estate, and when so signed and acknowledged, shall be deemed and held sufficient execution and authentication of such deeds, in all courts in this Territory, or elsewhere.

May erect buildings, &c.

SEC. 4. Said company shall have power to erect buildings for dwellings, manufactures and machinery, and such other improvements as may tend to promote the interest of the company, and the general prosperity of the town.

Stock deemed personal property.

SEC. 5. The stock of the same shall be deemed personal property, and the said company may, by by-laws, prescribe for the

issuing of said stock, and transferring the same by each individual stockholder.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CII.

CLAYTON TOWN ASSOCIATION.

AN ACT to Incorporate the Clayton Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That J. Glover, B. B. Edmonds, J. Webster, Alex. Dean, J. W. Parsons, Jr., and their associates and successors, are hereby declared and constituted a body politic and corporate by the name and style of the Clayton Town Association, and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts of law or equity in this Territory, or elsewhere. Said company is hereby authorized to have and use a common seal, to alter or change the same at pleasure, and to make, from time to time, such by-laws and regulations as may be deemed necessary for the government of said company and the management of its affairs.

Names of incorporators.

Authority.

SEC. 2. That said company, hereby created, shall have power to purchase and hold any quantity of land in Kansas Territory, where the town of Clayton is now located, not exceeding six hundred and forty acres, and to lay off the same into blocks, lots, parks, market places, squares, avenues, streets and lanes, and to sell, dispose of and convey the same by deed.

Powers of company.

SEC. 3. [That] all deeds for the conveyance of the real estate of the company, shall be signed by such officers as the company, by by-laws, may designate; and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts in this Territory, or elsewhere.

Of deeds of conveyance.

Stock, how
held.

Powers and
privileges con-
ferred.

SEC. 4. That the stock of said company shall be held in such manner as may be prescribed by the by-laws thereof, and the said company shall have all the powers and privileges conferred on companies of a like character, by the act entitled "An Act concerning Corporations."

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 6, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CIII.

WEST CLAYTONVILLE TOWN COMPANY

AN ACT to Incorporate the West Claytonville Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of cor-
porators.

SECTION 1. That S. A. Allen, James Waterson, R. L. Oldham, W. Kelson, L. B. Kentz, D. A. Werts, W. Hammet, A. P. Davidson, J. R. Plowman, their associates and successors, are hereby constituted a body corporate by the name and style of the West Claytonville Town Company, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, defend and be defended, in all matters and in any court. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws, rules and regulations, as may be deemed necessary for the government of said company, and the management of its affairs.

Authority.

Powers of cor-
poration.

SEC. 2. That said corporation, hereby created, shall have power to purchase and hold any quantity of land in the Territory of Kansas, where the town of West Claytonville is now located, not to exceed three hundred and twenty acres, and to lay off the same into squares, blocks and lots, and dispose of and convey the same by deed.

Of deeds of
conveyance.

SEC. 3. [That] all deeds for the conveyance of the real estate of the said company, shall be signed by such officers, as the said

company may, by its by-laws, designate, and when so signed, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory, or elsewhere.

SEC. 4. That said company may issue certificates of stock and lots, and by its by-laws, prescribe rules for the transfer of the same by each individual stockholder.

May issue certificate of stock.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 6, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CIV.

CAMBRIDGE TOWN COMPANY.

AN ACT to Incorporate the Cambridge Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That J. W. Sponible, D. C. Francis, C. Storrs, Jr., and T. L. Norris, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Cambridge Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory. Said company is authorized to have a common seal, and to alter the same at pleasure, and make such by-laws and regulations as, from time to time, may be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

Authority.

SEC. 2. The corporation hereby created, shall have power to purchase and hold, to enter by pre-emption, or otherwise acquire title to any quantity of land not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same.

Powers of corporation.

SEC. 3. That the said company shall have power to pass by-laws for the election of officers, such times as may be necessary.

Authority.

to carry on the business of said company, and all deeds for the conveyance of real estate of said company, [shall be signed by such officers] as the by-laws of said company may direct, which deeds shall be duly executed and acknowledged as other conveyances of real estate; and when so signed and acknowledged, shall be deemed and held sufficient execution and authentication of such deeds, in all courts of law and equity in this Territory, or elsewhere.

Stock deemed personal property.

SEC. 4. That the stock of this company shall be deemed personal property, and said company may, by by-laws, prescribe rules for the issuing and transferring the said stock by each individual stockholder.

This Act to be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 2, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CV.

CAPITOMA TOWN COMPANY.

AN ACT to Incorporate the Capitoma Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporators.

SECTION 1. Ira H. Smith, David P. McGill and Daniel L. Chapson, their associates and successors, are hereby constituted and declared a body politic, by the name and style of the Capitoma Town Company, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company shall be authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as shall be deemed necessary for the government of said company and the management of its affairs.

Powers of corporation.

SEC. 2. The corporation hereby created, shall have power to purchase and hold, or to enter, by pre-emption or otherwise, any quantity of land in the county of Nemaha, in Kansas Territory,

not exceeding six hundred and forty acres, and to lay the same off into parks, squares, lots, streets and alleys, and to sell, dispose of and convey the same.

SEC. 3. The said company shall have power to pass by-laws May pass by-laws, &c. for the election of such officers, and at such times as may be deemed necessary to carry out the business of said company; and all deeds for the conveyance of real estate of said company, shall be signed by such officers of said company as the by-laws of the said company may designate, and when so signed, with the corporation seal attached, shall be considered and held a sufficient execution and authentication of such deeds, in all courts of this Territory, or elsewhere.

SEC. 4. The stock of said company shall be deemed personal Stock deemed personal property. property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of the stock of each individual stockholder.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 2, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CVI.

CARSON TOWN COMPANY.

AN ACT to Incorporate the Carson Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That Daniel McFarland, J. J. Ross, J. N. Belts Names of incorporators. and David Snively, their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the Carson Town Company, and by that name shall be com- Authority. petent to make contracts, sue and be sued, implead and be impleaded in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Powers of corporation.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in Brown county, in the Territory of Kansas, where the town of Carson is now located, not to exceed six hundred and forty acres, and to lay off the same into lots, squares and blocks, and to sell and dispose of and convey the same by deed.

May pass by-laws, &c.

SEC. 3. That the said company shall have power to adopt by-laws for the election of such officers, at such time or times as may be necessary to carry out the business of the company; and all deeds for the conveyance of real estate of the company, shall be signed by such officers as the said company may, by by-laws, designate, and when so signed, shall be deemed and held a sufficient execution and authentication, in all courts in this Territory, or elsewhere.

Of transfer of stock.

SEC. 4. That the said company may, by by-laws, prescribe rules for the transfer of the stock of said company, by each individual stockholder.

This Act to take effect from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CVII.

CHARLESTON TOWN COMPANY.

AN ACT to Incorporate the Charleston Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of incorporators.

SECTION 1. That Anthony S. Vaught, John H. Ashby, John H. Swift and J. P. Miller, and their associates and successors are hereby constituted and declared a body politic and corporate, by the name and style of the Charleston Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law or equity in this Territory; said company is authorized to have and use a common seal, and to

Powers conferred.

alter the same at pleasure, and to make such by-laws and regulations as, from time to time, may be deemed necessary for the government of said company and the management of its affairs. May make by-laws &c.

SEC. 2. That the corporation hereby created shall have power to purchase and hold, and to enter, by pre-emption or otherwise, any quantity of land, not to exceed six hundred and forty acres, in the county of Washington, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same by deed, and said town shall be called Charleston. May purchase and hold land.

SEC. 3. That the said company shall have power to pass by-laws for the election of such officers, and at such times, as may be necessary to transact the business of the said company; and all deeds for the conveyance of the real estate of the said company shall be signed by such officers of said company, as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, and when so duly executed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory, or elsewhere. May pass by-laws for election of officers &c.

SEC. 4. That the above named board of trustees shall have power to fill vacancies, which may occur in their body, by death or otherwise. Vacancies, how filled.

SEC. 5. That the stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for issuing certificates of stock by the company, and transferring the same, by each individual stockholder. Stock deemed personal property.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.
J. W. DENVER,
Acting Governor.

CHAPTER CVIII.

CLEVELAND TOWN COMPANY.

AN ACT to Incorporate the Cleveland Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporators.

SECTION 1. That — Phelps, Wm. H. Lawrence, Chas. F. Garrett, Chester T. Hills, H. G. Blake and their associates and successors, are hereby constituted and declared a body corporate, by the name and style of the Cleveland Town Company, and by that name shall be known in law, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, of defending and being defended, in all courts of law and equity in this Territory, or elsewhere. Said company is hereby authorized to have and to use a common seal, and to alter the same at pleasure, and to make from time to time such by-laws and regulations as may be deemed necessary for the government of said company and the management of its affairs.

Powers conferred.

By-laws &c.

Powers of corporation.

SEC. 2. That the company hereby created shall have power to purchase and hold any quantity of land in Butler county, where the town of Cleveland is now located, not to exceed six hundred and forty acres, and to lay off the same into blocks, lots, parks, market places, squares, avenues, streets and lanes, and to sell, dispose of, and convey the same by deed.

Of deeds of conveyance.

SEC. 3. That all deeds for the conveyance of real estate of the company, shall be signed by such officers as said company, by by-laws, may designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deed, in all courts of law in this Territory or elsewhere.

Stock deemed personal property.

SEC. 4. That the stock of said company shall be deemed personal property, and said company may prescribe rules for transferring the same by individual stockholders.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER CIX.

CENTRAL CITY TOWN COMPANY.

AN ACT to Incorporate the Central City Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Thomas R. Newton, Horace M. Newton, John C. Newton, Thomas Newton, Levi Dodge, Harton Knockles, their associates and successors, are hereby constituted a body corporate by the name and style of Central City Town Company, and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and management of its affairs.

Names of corporators.

SEC. 2. That the corporation hereby created, shall have power to purchase and hold, any quantity of land, in Nemaha county, in the Territory of Kansas, where Central City is now located, not to exceed six hundred and forty acres, and to lay off the same into lots, squares and blocks, and to sell, and dispose of, and convey the same by deed.

Powers of corporation.

SEC. 3. That the said company shall have power to adopt by-laws for the election of such officers, at such time or times, as may be necessary to carry out the business of the company; and all deeds for the conveyance of the real estate of the company, shall be signed by such officers as the said compy [company] may, by by-laws, designate, and when so signed, shall be deemed and held a sufficient execution and authentication in all courts in this Territory or elsewhere.

May pass by-laws &c.

SEC. 4. That the said company may, by by-laws, prescribe rules for the transfer of the stock of said company, by each individual stockholder.

Transfer of stock.

This Act to take effect and be in force, from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.
 J. W. DENVER, *Acting Governor.*

CHAPTER CX.

CRESCO TOWN COMPANY.

AN ACT to Incorporate the Cresco Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of cor-
porators.

SECTION 1. That John S. Robinson, Solomon Haufman, Wm. C. Howard, and their associates and successors, are hereby constituted and declared a body corporate and politic, by the name and style of Cresco Town Company, and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and to use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company, and the management of its affairs.

May pass by-
laws &c.

SEC. 3. [2.] That the said company shall have power to pass by-laws, for the election of such officers, at such time or times, as may be necessary to carry out the business of the company; and all deeds for the conveyance of the real estate of the company, shall be signed by such officers as the said company may, by by-laws, designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of said deeds, in all courts, or elsewhere.

Transfer of
stock.

SEC. 4. [3.] That the company may, by by-laws, prescribe rules for the transfer of the stock of the same, by each individual shareholder or stockholder.

This Act to take effect and be in force from and after its passage.

[Signed.]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXI.

CHELSEA TOWN COMPANY.

AN ACT to Incorporate the Chelsea Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That N. S. Storrs, J. Lambdon, G. D. Morton, Wm. Woodref, L. M. Pratt and T. J. Donelson, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Chelsea Town Company, and by that name and style shall be competent to make contracts, sue and be sued, plead and be impleaded in all matters and in all courts. Said company is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company, for the management of its affairs, and for the transfer of its stock by each individual stockholder.

Names of corporators.

SEC. 2. That the corporation hereby created, shall have power to purchase any quantity of land in Butler county, Kansas Territory, not exceeding three hundred and twenty acres, and lay off the same into blocks, lots and squares, and to sell, and dispose of, and convey the same by deed.

Powers of corporation.

SEC. 3. That all deeds for the conveyance of any real estate of the company, shall be signed by such officers as the said company may, by its by-laws, designate, and when so signed, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory or elsewhere.

Deeds.

SEC. 4. That the stock of said company shall be deemed personal property.

Stock deemed personal property.

This Act shall take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXII.

COTTONWOOD FALLS TOWN COMPANY.

AN ACT to Incorporate the Cottonwood Falls Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporators.

SECTION 1. Columbus Hornsby, Q. N. Randolph, John Gilmore, S. F. Tappan, Jr., G. W. Deitzler, A. D. Searl, S. N. Wood, and such other persons as now are, or hereafter may be, associated with them, shall be, and they are hereby constituted a body politic and corporate, by the name of the Cottonwood Falls Town Company, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters and courts whatsoever. Said company is authorized to have and use a common seal, and change the same at pleasure.

Powers of corporation.

SEC. 2. Said company shall be authorized to purchase and hold, and to dispose of and convey, by deed or otherwise, any quantity of land, not exceeding six hundred and forty acres, where the town of Cottonwood Falls is now located, including the west half of the west half, and the east half of the east half of section number twenty-eight, (28) twenty-nine, (29) in township number nineteen, south, in range number eight, in the sixth principal meridian, Kansas Territory, and lands contiguous thereto, and to lay the same off into blocks, lots, streets and parks, and also shall be authorized to receive, hold, sell and convey, any other property, real, personal or mixed, that may be devised or given to said company.

Stock deemed personal property.

SEC. 3. The stock of said company shall be deemed personal property, and may be divided into such number of shares as said company may determine, and the said company may, from time to time, prescribe and enact such rules and by-laws, for the issuing and transferring of said stock, and for the government and management of the affairs of said company, as they may deem necessary and requisite.

May pass by-laws &c.

SEC. 4. The said company shall have power to pass by-laws for the election of officers, at such time as may be necessary to carry out the business of said company; and all deeds for the conveyance of real estate of said company, shall be signed by the said officers of said company, as the by-laws of said company shall designate, which deeds shall be duly signed, sealed and acknowledged, as other conveyances of real estate, and when so

signed and acknowledged, shall be deemed and held sufficient execution and authentication of said deeds, in all courts in this Territory or elsewhere.

SEC. 5. Said company shall have power to erect buildings for dwellings, manufactures and machinery, and such other improvements as may tend to promote the interests of the company, and the general prosperity of the town, not inconsistent with the constitution and laws of the United States or this Territory.

May erect buildings &c.

SEC. 6. The stock of the same shall be deemed personal property, and the said company may, by by-laws, prescribe for the issuing of said stock, and transferring of the same by each individual stockholder.

Transfer of stock.

SEC. 7. Said company shall have the power to issue the stock of said company, to pay for land or any part thereof, or the erection of such buildings as they may determine to erect, and if said assessment is not paid within thirty days after the party shall have been duly notified, according to the by-laws of said company, the officers of said company may proceed immediately to sell such stock, for the payment of such assessment or tax.

May issue stock to pay for land and buildings.

This Act shall take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved February 6, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER XXIII.

COLUMBUS CITY ASSOCIATION.

AN ACT to Incorporate the Columbus City Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Philip Burk, James Skinner, Thomas Bell, James Craft, David Cowgar, Thomas H. McCulloch, Henry Wilson, H. Miles Moore, Joseph W. Wilson, Robert Hays, John J. Silver, Daniel Beaman, their associates and successors, are hereby constituted a body politic and corporate, by the name and

Names of corporators.

Authority. style of the Columbus City Association, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever; to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as the interest of the company [may] require.

Powers of corporation. SEC. 2. That the corporation shall have power to purchase and hold any quantity of land in this Territory, where Columbus City is now located, not to exceed six hundred and forty acres, and to lay off the same into parks, squares, blocks and lots, and to sell, dispose of and convey the same by deed.

Deeds for transfer of stock. SEC. 3. That all deeds and transfers for the conveyance of real estate of the company, shall be signed by such officers as the said company may, by by-laws, designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient authentication and execution of such deeds, in all courts of this Territory and elsewhere.

SEC. 4. That the said company may, by by-laws, prescribe rules for the transfer of the stock of said company by each individual stockholder.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXIV.

CORYDON TOWN COMPANY.

AN ACT to Incorporate the Corydon Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporations.

SECTION 1. That O. F. Garrett, J. L. Speer, J. T. Ainsworth, Herman Canfield, F. B. Swift, their associates and successors, are hereby constituted and declared a body corporate, by the name and style of the Corydon Town Company; and by that name shall be known in law, shall be capable of contracting and

being contracted with, of suing and being sued, pleading and being impleaded, of defending and being defended in all courts of law and equity, in this Territory, or elsewhere. Said company is hereby authorized to have and to use a common seal, and to alter or change the same at pleasure, and to make from time to time such by-laws and regulations as may be deemed necessary for the government of said company, and the management of its affairs.

SEC. 2. That the company hereby created, shall have power to purchase and to hold any quantity of land in the county of Wise, where the town of Corydon is now located, not to exceed six hundred and forty acres, and to lay off the same into blocks, parks, market places, squares, avenues, streets and lanes, and to use, dispose of and convey the same by deed.

Powers of corporation.

SEC. 3. All deeds for the conveyance of said estate by the company, shall be signed by such officers as said company, by by-laws may designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deed, in all courts of this Territory or elsewhere.

Deeds for transfer of stock.

SEC. 4. That the stock of said company shall be deemed personal property, and said company may prescribe rules for the transferring the same by individual stockholders.

Stock deemed personal property.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEFFZLER,

Speaker of House of Representatives.

G. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXV.

DELAWARE TOWN COMPANY, OF LAWRENCE.

AN ACT to Incorporate the Delaware Town Company, of Lawrence.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporators.

SECTION 1. S. B. Prentiss, W. Christison, J. W. Penoyer, M. France and J. S. Emery, and their associates and successors, are hereby created a body corporate, by the name and style of the Delaware Town Company, of Lawrence, and by that name shall have perpetual succession, and may make contracts, sue and be sued, implead and impleaded, in all matters whatsoever in law or equity. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as, from time to time, may be deemed necessary for the government of said company and the management of its affairs.

Authority.

Powers of corporation.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in Leavenworth county, Kansas Territory, not to exceed one thousand acres, and to lay the same off into streets, alleys, avenues, lots, parks and squares; and to sell, dispose of and convey the same. Said company shall have power to erect buildings, for dwellings, store houses, manufactories and machinery, and such other improvements as may tend to promote the interests of said company.

May pass by-laws for election of officers &c.

SEC. 3. The company shall have power to pass by-laws for the election of such officers, at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of real estate of said company, signed by such officers of said company as the by-laws shall designate, which deeds shall be duly executed and acknowledged, as other conveyances of real estate, and when so signed, with the corporate seal attached and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this Territory, or otherwise.

Of transfer of stock.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing of said stock, and for the transfer of the same by the individual stockholders.

SEC. 5. This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 12, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXVI.

DE SOTO TOWN COMPANY.

AN ACT entitled "An Act to Incorporate the De Soto Town Company."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. George W. Hutchinson, Henry Campbell, B. W. Woodward, James F. Legate, A. D. Searle, J. A. Finley and D. H. Weir, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the De Soto Town Company; and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, defend and be defended in all matters whatsoever, in any court of law or equity, in the Territory of Kansas. The said company is authorized to have a common seal, and affix the same at pleasure, and to make such by-laws and regulations as may be deemed necessary for the government of said company and the management of its affairs.

Names of coporators.

Authority.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in the Territory of Kansas, where the De Soto town is now located, not to exceed one thousand acres, and to lay the same off into parks, squares, blocks, streets, alleys and lots, and to sell, and dispose of, and convey the same, and any part of the same, by deed; to make such improvements upon the land aforesaid as may be deemed of advantage to the general interest of said company.

Powers of coporation.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be deemed necessary to carry out the business thereof, and all deeds for the conveyance of real estate of said company shall be signed

May pass by-laws, &c.

by such officers as the by-laws of the said company shall prescribe, which deeds shall be duly executed and acknowledged, as other conveyances of real estate, and when so executed and acknowledged, with the corporate seal attached, shall be deemed and held sufficient execution and authentication thereof.

Of transfer of stock.

SEC. 4. The said company may, by by-laws, prescribe in what manner transfers may be made of stock, by the individual stockholders thereof; and shall have power to pass all by-laws and adopt any and all rules not inconsistent with this Act and the laws of the Territory, which may be deemed essential to carry on the business of said company, and for the management of the affairs thereof, and for the furtherance of the object of this incorporation.

Act legalized.

SEC. 5. The acts of the De Soto Town Company, which are evidence by the books of said company, prior to the passage of this Act, and not inconsistent with the same, are hereby legalized, and of the same effect that the acts of this company shall be hereafter under this Act.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council,

Approved January 28, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXVII.

DOVER TOWN COMPANY.

AN ACT to Incorporate the Dover Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names or coporators.

SECTION 1. That William Hutchin, James L. Hutchin, Henry Devilliers and Thomas H. Butler, and their associates and successors, are hereby constituted and declared a body corporate, by the name and style of the Dover Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever,

in law and equity, in this Territory or elsewhere. Said company is authorized to have and use a common seal, and to make such by-laws and regulations as from time to time may be deemed necessary for the management of its affairs.

SEC. 2. That the corporation hereby created shall have power to purchase and hold, and to enter, by pre-emption or otherwise, any quantity of land, not exceeding three hundred and twenty acres, where the town of Dower is now located, that being on the north-east quarter of section seven and the south-east quarter of section six in township twenty, in range twenty-five, in the county of Linn, Territory of Kansas, and to lay off the same into lots, parks, streets, squares, avenues, and to sell, dispose of and convey the same, by deed or otherwise.

Powers of corporation.

SEC. 3. That the company shall have power to pass by-laws for the election of such officers, at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of real estate of said company, shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyance of real estate.

May pass by-laws &c.

SEC. 4. That the above named board of trustees shall have power to fill vacancies which may occur in their body by death, resignation, or otherwise.

Vacancies how filled.

SEC. 5. That the stock of said company shall be deemed personal property, and said company may, [by] by-laws, prescribe rules for the issuing and transferring of the same stock, by each individual stock or shareholder.

Transfer of stock.

SEC. 6. That said company may do all other acts, not inconsistent with law or established usages, which may be necessary to carry out the purposes and intentions of said company.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 8, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXVIII.

ELDORADO TOWN COMPANY.

AN ACT to Incorporate Eldorado Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporations.

SECTION 1. That F. B. Swift, C. Garrett, J. Cracklin, J. S. Rackliff, Sam Stewart, E. B. Whitman, David Upham and E. R. Zimmerman, their associates and successors, be, and are hereby constituted a body corporate and politic, by the name, style and title of the Eldorado Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory or elsewhere. Said company is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws and regulations, from time to time, as may be deemed necessary for the government of the company and the management of its affairs.

Authority.

Powers of corporation.

SEC. 2. The corporation hereby created shall have power to purchase and hold, to enter by pre-emption or otherwise any quantity of land, not exceeding six hundred and forty acres, where Eldorado is now situated and located, as surveyed by Whitman & Searl, and to lay the same off into lots, blocks, streets, alleys, parks, avenues and squares, and to sell, dispose of and convey the same.

May make by-laws &c.

SEC. 3. The said company shall have power to pass by-laws for the election of officers, at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of real estate of said company, shall be signed by such officers of the said company as the by-laws of said company shall designate, which deeds shall be duly signed and acknowledged, as other conveyances of real estate, and when so signed and acknowledged, shall be deemed and held sufficient execution and authentication of such deeds, in all courts in this Territory or elsewhere.

May erect buildings, &c.

SEC. 4. Said company shall have power to erect buildings for dwellings, manufactories and machinery, and such other improvements as may tend to promote the interest of the company and the general prosperity of the town.

Transfer of stock.

SEC. 5. The stock of said company shall be deemed personal property, and they may, by by-laws, prescribe for the issuing

of said stock, and transferring of the same by each individual stockholder.

SEC. 6. It is the intention of this Act to grant no right or privilege, inconsistent with or contrary to the laws of Congress in such cases made and provided.

This Act shall take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 6, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXIX.

ELIZABETHTOWN TOWN COMPANY.

AN ACT to Incorporate the Elizabethtown Town Company.

Best enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That R. H. Waterman, A. Newman, G. W. Hunt, J. H. Simmons and C. A. Haskell, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the Elizabethtown Town Company, and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is hereby authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

SEC. 2. That the corporation hereby created shall have power to purchase and hold any quantity of land in Kansas Territory, where the town of Elizabethtown is now located, not to exceed six hundred and forty acres, and to lay the same off into parks, squares, streets and lots, and to sell, dispose of and convey the same by deed.

Powers of company.

May pass by-laws &c.

SEC. 3. That the said company shall have power to pass by-laws for the election of officers, at such time or times as may be necessary to carry out the business of the company; and all deeds for the conveyance of the real estate of the company, shall be signed by such officers as the said company may by by-laws designate, and when so signed, with the corporate seal attached, shall be deemed and held sufficient execution and authentication of such deeds in all courts, or elsewhere.

Transfer of stock.

SEC. 4. That the stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the transfer of the same by each individual shareholder or stockholder.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved, February 12, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXX.

NAME CHANGED—ELWOOD TOWN COMPANY.

AN ACT to Change the Name of the Town of Roseport to Elwood, and to incorporate the Elwood Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Limits extended.

SECTION 1. That the limits of the town of Roseport be, and are hereby so extended as to include the whole of section thirty, township three, south, range twenty-three, east, in the Territory of Kansas, and that the said town be hereafter known as the Town of Elwood.

Names of incorporators.

SEC. 2. That Nathan Smith, Fred. B. Ellsworth, Edward Russell, Abner L. Hall, James P. Bracc, and their associates, being the present proprietors of the town of Elwood, and their successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Elwood Town Company, and by that name shall be capable of making contracts, of

suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law or equity in this Territory. Said company is authorized to have a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as, from time to time, may be deemed necessary for the government of said company and the management of its affairs.

SEC. 3. The corporation hereby created shall have power to purchase and hold, and to enter, by pre-emption or otherwise, any quantity of land, where the said town of Elwood is now located, not to exceed six hundred and forty acres, and to lay off the same into lots, parks, streets and avenues, and to sell, dispose of and convey the same. Powers of corporation.

SEC. 4. The said company shall have power to pass by-laws for the election of such officers, at such time as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company shall be signed by such officers as the by-laws shall designate, which deeds shall be duly signed and acknowledged, as other conveyances of real estate, and when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory, or elsewhere. May pass by-laws &c.

SEC. 5. The said company shall have power to erect buildings for dwellings, manufactories and machinery, and such other improvements as tend to promote the interest of the company, and for the general prosperity of the town. May erect buildings.

SEC. 6. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe for the issuing of said stock, and transferring of the same by each individual stockholder. Transfer of stock.

SEC. 7. It is the intention of this Act to grant no right or privilege inconsistent with or contrary to the laws of Congress in relation to town sites.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1888.

J. W. DENVER,

Acting Governor.

CHAPTER CXXI.

FALL RIVER TOWN COMPANY.

AN ACT to Incorporate the Fall River Town Company,

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of incor-
porators.

SECTION 1. A. Allen, J. H. Snow, P. Cordis, Samuel Stewart, and their associates and successors, be, and are hereby constituted a body corporate and politic, by the name, style and title of the Fall River Town Company, and by that name shall be capable of making contracts, of suing and being sued; of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory, or elsewhere. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations, from time to time, as may be necessary for the government of the company, and the management of its affairs.

Powers of cor-
poration.

SEC. 2. The corporation hereby created shall have power to purchase and hold, to enter, by pre-emption or otherwise, any quantity of land, not exceeding six hundred acres, where Fall River is now located, as surveyed by S. Stewart, and to lay the same off into lots, blocks, streets, alleys, parks, avenues and squares, and to sell, dispose of and convey the same.

May pass by
laws, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of officers, at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of real estate of said company shall be signed by each [such] officer[s] of the company as the by-laws shall designate, which deeds shall be duly signed and acknowledged as other conveyances of real estate, and when so signed and acknowledged, shall be deemed and held sufficient execution and authentication of such deeds, in all courts in this Territory, or elsewhere.

May erect
buildings, &c.

SEC. 4. Said company shall have power to erect buildings or dwellings, manufactories and machinery, and such other improvements as may tend to promote the interests of the company and the general prosperity of the town.

Transfer of
stock.

SEC. 5. The stock of said company shall be deemed personal property, and they may, by by-laws, prescribe for the issuing of said stock, and transferring of the same by each individual stockholder.

SEC. 6. It is the intention of this Act to grant no privilege inconsistent with or contrary to the laws of Congress, in such cases made and provided.

- This Act shall be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 6, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXXII.

GLASGOW TOWN COMPANY.

AN ACT to Incorporate the Glasgow Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. Jacob A. Marcell, James B. Davis, Perry Fuller and Joel K. Goodin, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the Glasgow Town Company, and by that name shall be competent to make contracts, to sue and be sued, in all matters whatsoever. Said company is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

SEC. 2. The officers of said company shall consist of a president, secretary and treasurer, who shall be elected at the first meeting of the company, and shall hold their offices for the term of one year, and until their successors are chosen.

Officers.
Term of office.

SEC. 3. The corporation, hereby created, shall have power to purchase and hold any quantity of land in the Territory of Kansas, where the town of Glasgow is now located, not to exceed six hundred and forty acres, and to lay off the same into parks, squares, blocks, lots, streets, avenues and alleys, and to sell, dispose of and convey the same by deed.

Powers of corporation.

SEC. 4. Said company shall have power to pass by-laws regulating the time for its meetings, and controlling the same, and all deeds for the conveyance of the real estate of the company,

May pass by-laws &c.

shall be signed by the secretary and attested with the seal of the corporation, and when so signed, attested and acknowledged by the secretary, as his free act for and in behalf of the company, shall be deemed and held sufficient to pass all the interest of the corporation in such real estate.

Transfer of
stock.

SEC. 5. The said company may, by by-laws, prescribe rules for the transfer of stock and shares in said town, and shall have power to tax the said shares and stock, for the purpose of entering the land upon which the town is located, and for other general purposes.

Quorum.

SEC. 6. Three members of said company shall constitute a quorum for the transaction of business, and all acts done by them shall be binding on the corporation.

This Act shall take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 1, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXXIII.

GARDNER TOWN COMPANY.

AN ACT to Incorporate the Gardner Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of cor-
porators.

SECTION 1. That Asa Thayer, O. B. Gardner, B. B. Francis, G. W. Chamberlain and A. B. Bartlett, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Gardner Town Company, and by that name shall be capable of making contracts, suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as, from time to time, may be deemed ne-

cessary for the government of said company and the management of its affairs.

SEC. 2. That the corporation hereby created shall have power to purchase and hold, to enter by pre-emption, or otherwise acquire title to any quantity of land, not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same. Powers of corporation.

SEC. 3. That the said company shall have power to pass by-laws for the election of such officers, at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company, as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, as other conveyances of real estate, and when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of law or equity in this Territory, or elsewhere. May pass by-laws &c.

SEC. 4. That the stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring the said stock by each individual stockholder. Transfer of stock.

This Act to take effect and be in force from and after its passage.

[Signed.]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXXIV.

GEORGETOWN TOWN COMPANY.

AN ACT to Incorporate the Georgetown Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That John M. Lyon, S. N. Wood, John Heberling, their associates and successors, are hereby constituted a Names of corporations.

body politic and corporate, by the name and style of the Georgetown Town Company, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, defend and be defended, in all matters, and in any court. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws, rules and regulations as may be deemed necessary for the government of said company and the management of its affairs.

Powers of corporation.

SEC. 2. That said corporation hereby created, shall have power to purchase and hold, any quantity of land in the Territory of Kansas, where the town of Georgetown is now located, not to exceed three hundred and twenty acres, and to lay off the same into squares, blocks and lots, and dispose of and convey the same by deed.

May pass by-laws, &c.

SEC. 3. That said company shall have power to pass by-laws for the election of such officers as may be necessary to manage and carry on its affairs and business; and all deeds for the conveyance of the real estate of said company, shall be signed by such officers as the said company may by its by-laws designate, and when so signed, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory, or elsewhere.

Transfer of stock.

SEC. 4. That said company may, by its by-laws, prescribe rules for the transfer of the stock of said company by each individual stockholder.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 3, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXXV.

HAMLIN CITY ASSOCIATION.

AN ACT to Incorporate the Hamlin City Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That W. G. Sargent, George Ross, E. H. Niles, S. C. Shaw, Noah Hanson, Moses Emery and E. N. Morrill, their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the Hamlin City Association, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said association is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said association and the management of its affairs.

Names of corporators.

SEC. 2. That the corporation hereby created shall have power to purchase and hold any quantity of land in Brown county, in the Territory of Kansas, where the city of Hamlin is now located, not to exceed six hundred and forty acres, and to lay off the same into lots, squares and blocks, and to sell and dispose of and convey the same by deed.

Powers of corporation.

SEC. 3. That the said association shall have power to adopt by-laws for the election of such officers, at such time or times as may be necessary to carry out the business of the association; and all deeds for the conveyance of the real estate of the company, shall be signed by such officers as the said association may, by by-laws designate, and when so signed, shall be deemed and held a sufficient execution and authentication in all courts in this Territory, or elsewhere.

May pass by-laws, &c.

SEC. 4. That the said association may, by by-laws, prescribe rules for the transfer of the stock of said association by each individual stockholder.

Of transfer of stock.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXXVI.

HOLTON TOWN COMPANY.

AN ACT to Incorporate the Holton Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporations.

SECTION 1. That Asa Reynard, A. W. Smith, W. W. Ross, John B. Coffin, Charles S. Peck and Henry Fox, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the Holton Town Company, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Power of corporation.

SEC. 2. That the corporation hereby created shall have power to purchase and hold, by pre-emption or otherwise, any quantity of land in Kansas Territory, where the town of Holton is now located, not exceeding three hundred and twenty acres, and to lay the same off in lots, streets and parks, and to dispose of and convey the same by deed.

May pass by-laws &c.

SEC. 3. That the said company shall have power to pass by-laws for the election of such officers, and at such times as may be necessary to carry on the business of the company; and all deeds for the conveyance of the real estate of the company, shall be signed by such officers as said company may, by by-laws, designate; and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory, or elsewhere.

Transfer of stock.

SEC. 4. That the stock of said company shall be personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of the same by each individual stockholder.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

O. W. BABCOCK,
President of the Council.

Approved February 2, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER CXXVII.

HUMBOLDT TOWN COMPANY.

AN ACT to Incorporate the Humboldt Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Maurice Hartmann, James A. Coffey, N. B. Blanton, F. M. Serembetz, A. D. Searl and G. C. Brackett, their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the Humboldt Town Company, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company, and the management of its affairs.

Names of corporators.

Authority.

SEC. 2. That the corporation hereby created, shall have power to purchase and hold any quantity of land in the Territory of Kansas, where the city of Humboldt is now located, not to exceed six hundred and forty acres, and to lay the same off into parcels, squares and lots, and to sell, dispose of, and convey the same by deed or otherwise.

Powers of corporation.

SEC. 3. That the said company shall have power to pass by-laws for the election of such officers, at such time or times as may be necessary to carry out the business of the company; and all deeds for the conveyance of the real estate of the company, shall be signed by such officers as the said company may, by their by-laws, designate; which deeds shall be acknowledged as other conveyances of real estate; and when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts in this Territory, or elsewhere.

May pass by-laws &c.

SEC. 4. That the company may, by by-laws, prescribe rules for the transfer of the stock of the same, by each individual stock or shareholder.

May prescribe rules for the transfer of stock

SEC. 5. That, provided nothing herein contained shall be construed to conflict with the Act of Congress, in relation to pre-emption of town sites.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXXVIII.

ITALIA TOWN COMPANY.

AN ACT to Incorporate the Italia Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporators.

SECTION 1. That Robert S. Stevens, Forrest R. Page, Edward Chapman, George J. Pallman, Hiram S. Sleeper and Rufus Biggs, their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the Italia Town Company, and by that name and style shall be capable of making contracts, sue and be sued, plead and be impleaded, in all matters whatsoever, in law or equity, in this Territory and elsewhere. Said company is authorized to have and use a common seal, and to alter it at pleasure; and to make such by-laws and regulations as, from time to time, may be deemed necessary for the government of said company and the management of its affairs.

Powers of corporation.

SEC. 2. The corporation hereby created, shall have power to purchase and hold, and to enter under the law regulating the same, by pre-emption and otherwise, any quantity of land where the town of Neosho city, so called, is now located, and adjoining thereto, being in township nineteen, range thirteen, not exceeding, in the whole, one thousand acres, and to lay off the same, or any portion thereof, into lots, parks, streets, alleys, squares and avenues, and to sell, dispose of and convey the same by deed, or otherwise.

Board of trustees.

SEC. 3. Said company shall have power to elect a board of five trustees, and said trustees shall have power to appoint such

other officers as they may see fit, and, from time to time to time, pass such by-laws for the issuing of its stock and the transfer of the same, for the taxing of its certificates of stock, and for selling of the same, in case of the non-payment of such tax. The stock of said company is hereby declared personal property. May pass by-laws &c.

SEC. 4. All deeds or other instruments in writing, conveying any real estate of said company, shall be required by such officer as the by-laws of said company shall designate, which deeds, or other instruments of writing, shall be duly executed and acknowledged, as other conveyances of real estate, and when so signed and acknowledged, shall be deemed and held sufficient execution and authentication thereof, in all courts of this Territory, or elsewhere. Deeds.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXXIX.

KANSAS CENTER TOWN COMPANY.

AN ACT to Incorporate the Kansas Center Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That John P. Nickles, James G. Bailey, Asahel Beach, David T. Mitchell and R. W. Cloud, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Kansas Center Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory. Said company is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws and regulations as, from time to time, may be deemed Names of incorporators.
Authority.

necessary for the government of said company and the management of its affairs.

Powers of corporation.

SEC. 2. That the corporation hereby created, shall have power to purchase and hold, to enter by pre-emption, or otherwise to acquire title to the east half of section No. 1, in township No. 17 south, of range No. 12 east, of the sixth principal meridian, in Kansas Territory; to lay the same off into lots, parks, streets, squares and avenues, and to sell and dispose of, deed, convey the same; and a majority of said incorporation, or their associates, shall have power to transact any business for said incorporation.

May make by-laws &c.

SEC. 3. That the said company shall have power to pass by-laws for the election of such officers, and at such time as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company, shall be signed by such officers of said company, as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyance of real estate, and when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of law and equity in the Territory, or elsewhere.

Stock deemed personal property.

SEC. 4. That the stock of the said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring the said stock by each individual stockholders.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXXX.

KANSAS FALLS TOWN COMPANY.

AN ACT to Incorporate the Kansas Falls Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. Freeman N. Blake, Edward P. Burgess and John Harvie, their associates and successors, are hereby constituted a body corporate, by the name and style of the Kansas Falls Town Company, and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

SEC. 2. The officers of said company shall consist of a president, secretary and treasurer, who shall be elected at the first meeting of the company, and shall hold their offices for one year, and until their successors are chosen.

Officers.

SEC. 3. The corporation hereby created shall have power to purchase and hold any quantity of land in Riley county, where the town of Kansas Falls is now located, not to exceed six hundred and forty acres, and to lay off the same into parks, squares, blocks and lots, streets, avenues and alleys, and to sell and dispose of and convey the same by deed.

Powers of corporation.

SEC. 4. The said company shall have power to pass by-laws, regulating the time for its meetings, and controlling the same; and all deeds for the conveyance of the real estate of the company, shall be signed by the officers, and attested with the seal of the corporation, and when so signed and attested, and acknowledged by the officers as their free act, for and in behalf of the company, shall be deemed and held sufficient to pass all the interest of the corporation in such real estate.

May pass by-laws, &c.

SEC. 5. Said company may, by by-laws, prescribe rules for the transfer of stock and shares in said town, and shall have power to tax the said stock and shares for the purpose of entering the land upon which the town is located, and for other general purposes.

May prescribe rules for transfer of stock.

SEC. 6. Three members of said company shall constitute a quorum for the transaction of business, and all acts done by them shall be binding on the corporation.

Quorum.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXXXI.

KENNEKUK TOWN COMPANY.

AN ACT to Incorporate the Kennekuk Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names or corporations.

SECTION 1. That Robert N. Sherwood, William Spencer, J. B. Irvin, John H. Whitehead, J. R. Whitehead, Jas. A. Fulton, Gaius Jenkins, Royal Baldwin, A. Chaunel, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the Kennekuk Town Company, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, defend and be defended, in all matters whatsoever, in any courts of law or equity in Kansas Territory. The said company is authorized to have and use a common seal, and alter the same at pleasure; and to make such by-laws and regulations, as may be deemed necessary for the government of said company and the management of its affairs.

Authority.

Powers of corporation.

SEC. 2. That the corporation shall have power to purchase and hold any quantity of land in the Territory of Kansas, where the town of Kennekuk is now located, not to exceed six hundred and forty acres, and may lay out the same into parks, squares, blocks, streets, alleys and lots, and to sell, dispose of and convey the same, and any part of the same, by deed; to make such improvement upon the land aforesaid, as may be deemed of advantage to the general interest of the company.

Of deeds for conveyance.

SEC. 3. Deeds for the conveyance of real estate of said company, shall be signed by such officers as the by-laws of said company shall prescribe; which deeds shall be duly executed and acknowledged, as other conveyances of real estate, and when so

acknowledged, with the corporate seal attached, shall be deemed and held sufficient execution and authentication thereof.

SEC. 4. The said company may issue certificates of stock and lots, and prescribe rules for transferring the same. Transfer of stock.

SEC. 5. The acts of the Kennekuk Town Company, which are evidenced by the books of said company, prior to the passage of this Act, and not inconsistent with the same, are hereby legalized, and of the same effect that the acts of the company shall be hereafter under this Act. Act legalized.

This Act to be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved, February 11, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXXXII.

KICKAPOO ASSOCIATION.

AN ACT to Incorporate the Kickapoo Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Stephen Johnson, S. P. McCurdy, John C. Ellis, E. S. Wilkinson, H. Collier, Leonidas Oldham, R. S. Merchant, A. N. Hughs, Fredrick Hoberg, H. B. C. Harris, Henry Coleman, Jesse Morin, Washington Hays, B. Wood, Wm. Finley, Wilson G. Noble, James Fergnys, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Kickapoo Association, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law or equity in this Territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations, from time to time, as may be deemed necessary for the government of said company and the management of its affairs. Names of Incorporators. Authority

Powers of corporation.

SEC. 2. The corporation hereby created, shall have power to purchase and hold, or to enter by pre-emption or otherwise, any quantity of land where the city of Kickapoo now is, not to exceed six hundred and forty acres, and to lay the same off into lots, streets, parks, squares and avenues, and to sell, dispose of and convey the same.

May pass by-laws, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, at such times as may be deemed necessary to carry out the business of said company, and all deeds for the conveyance of real estate of said company, shall be signed by such officers as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate, and when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of law or equity in this Territory, or elsewhere.

Stock deemed personal property.

SEC. 4. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of stock by each individual stockholder.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 8, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXXXIII.

KOSSUTH TOWN COMPANY.

AN ACT to Incorporate the Kossuth Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of incorporators.

SECTION 1. That Joseph Cracklin, M. F. Conway, L. J. Worden, F. B. Swift, Chas. F. Garrett, O. V. Eskridge, their associates and successors, are hereby constituted and declared a body corporate and politic, by the name and style of the Kossuth

Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity, in this Territory or elsewhere. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations, from time to time, as may be necessary for the government of the company and the management of its affairs. Authority.

SEC. 2. That the corporation hereby created shall have power to purchase and hold, to enter by pre-emption or otherwise, any quantity of land not exceeding six hundred and forty acres, where Kossuth is now located, in Butler county, and lay the same off into lots, blocks, streets, alleys, parks, avenues and squares, and to sell, dispose of and convey the same. Powers of corporations.

SEC. 3. That the said company shall have power to pass by-laws for the election of officers, as such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company; shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly signed and acknowledged as other conveyances of real estate; shall be deemed and held sufficient execution and authentication of such deeds, in all courts in this Territory, or elsewhere. May pass by-laws &c.

SEC. 4. That said company shall have power to erect buildings for dwellings, manufactures and machinery, and such other improvements as may tend to promote the interests of the company and the general prosperity of the town. May erect buildings, &c.

SEC. 5. That the stock of the same shall be deemed personal property, and the said company may, by by-laws, prescribe for the issuing of said stock, and transferring the same by each individual stockholder. Stock deemed personal property.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXXXIV.

LANE CITY ASSOCIATION.

AN ACT to Incorporate the Lane City Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporations.

SECTION. 1. That A. G. Rowland, B. F. Dalton, A. J. Blanchard, John G. Crocker, A. Cutler, and their associates and successors, are hereby constituted a body corporate and politic by the name and style of the Lane City Association, and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, defend and be defended, in all matters whatsoever, in any court of law or equity, in the Territory of Kansas. The said association is authorized to have and use a common seal, and affix the same at pleasure, and to make such by-laws and regulations, as may be deemed necessary for the government of said association, and the management of its affairs.

Authority.

Powers of association.

SEC. 2. The said association shall have power to purchase and hold any quantity of land in the Territory of Kansas, in the vicinity of where Lane City is now situated, being upon the south-east quarter of section thirty-four, and the south-west quarter of section thirty-five; town [ship] eighteen, range twenty-one; not to exceed one thousand acres, and to lay the same off into parks, blocks, lanes, streets, alleys and lots, and to sell and dispose of the same, and any part of the same by deed, to make such improvements upon the land aforesaid, as may [be] deemed of advantage to the general interest of said association.

May pass by-laws, &c.

SEC. 3. The said association shall have power, to make by-laws for the election of such officers, and at such times as may be deemed necessary to carry out the business thereof, and all deeds, for the conveyance of real estate of said association, shall be signed by such officers as the by-laws of said association shall prescribe, which deeds shall be duly acknowledged as other conveyances of real estate, and when so executed and acknowledged with the corporate seal attached, shall be held and deemed sufficient execution and authentication thereof.

Of transfer of stock.

SEC. 4. The said association may, by by-laws, prescribe in what manner transfers may be made of stock, by the individual stockholders thereof; and shall have power to pass all by-laws, and adopt any and all rules, not inconsistent with this Act, and

the laws of the Territory, which may be deemed essential to carry out the business of said company, and for the management of the affairs thereof; and for the furtherance of the object of this incorporation.

This Act to be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXXXV.

LECOMPTON TOWN COMPANY.

AN ACT to Amend "An Act to Incorporate the Lecompton Town Company."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. The stock, property, concerns and affairs of the Lecompton Town Company, shall be managed by five directors, who shall be stockholders, three of whom shall constitute a quorum, for the transaction of business, and who shall hold their offices for one year, and until others are chosen and qualified, in their places. The directors shall be chosen annually in the city of Lecompton, on the first Monday in April, at such time and place in said city as the directors for the time being shall appoint. The first election after the passage of this Act, shall be held on the first Monday in April, in the year 1859. Two weeks notice of such election shall be given by a publication of such notice, at least once in each week, in all the newspapers published in said city; or by posting such notice in at least six conspicuous places in said city. Each stockholder shall be entitled to one vote, for each share of stock held by him or her, for at least ten days previous to an election. Voting shall be by ballot, and may be in person or by proxy.

The stock property, &c. how and by whom managed.

Directors to be chosen.

Election when held.

SEC. 2. The directors shall annually appoint a president of said company, who shall be one of their number, a secretary and a treasurer, and such other officers as they may deem necessary, and may make and ordain such by-laws, rules and regulations as

Officers to be appointed.

May pass by-laws &c.

they may deem necessary and proper, for the management of their business, and for accomplishing the purposes of the corporation.

Directors may
assess tax &c.

SEC. 3. The directors of said company may, from time to time, levy and assess upon the stock of the company, such sums of money, as may be necessary to pay for any and all lands or other property, purchased by them or their successors, for the use and benefit of said company, and for the payment of any and all expenses incurred in perfecting the titles to such land or property so purchased, and that may be necessary and requisite to pay all debts and demands now due, or to become due, and owing from said company to any person or persons; and all taxes and assessments heretofore levied upon the stock of said company, by the directors thereof, are hereby declared to be valid and legal. Notice of the levying of such taxes or assessments, and the time and place of payment thereof, shall be published for three successive weeks, previous to such time of payment, at least once in each week, in two newspapers in the county of Douglas, Kansas Territory. And in case any person or persons, upon whose stock any tax has been, or may hereafter be levied, shall refuse or neglect to pay the same, on or before the time it becomes due and payable, according to the conditions of said notice, above required to be given, it shall be legal for the directors of said company to sell such stock, for the payment of said tax or assessment, giving three weeks notice of such sale, by publishing such notice for three successive weeks, in all the newspapers published in the city of Leocompton, and in case the tax or assessments on such stock, so advertised for sale, is not paid, together with the interest and expenses thereon, before the time specified in such notice, the stock so advertised shall be sold by the directors to the highest bidder; and all surplus of money, if any there be arising from such sale, over and above the amount of such tax or assessment, together with interest and expense of sale, shall be paid into the treasury of said company, subject to the order of such person or persons, on whose account said stock was sold, for the term of one year, from date of such sale. And in case such surplus is not called for within the term of one year, from the date of such sale, the owner or owners thereof, shall forfeit all right or title thereto, and it shall revert to, and become the property of said company.

Powers of directors.

SEC. 4. The directors of said company, shall have the exclusive control of, and over any and all real estate and other prop-

erty, belonging to the said company, or that may hereafter be acquired by it, and shall have the right the [to] lease the same, or dispose of it by deed or otherwise. All deeds for the conveyance of the real estate of said company, shall be signed by its president, as such, which deeds when so signed and acknowledged, before any officer authorized to take acknowledgments of conveyance of real estate, together with the official seal of the company attached, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this Territory, or elsewhere.

SEC. 5. The present directors, viz: Robert S. Stevens, Daniel Woodson, William R. Judson, J. C. Thompson and Finley Patterson, shall remain, and be the directors of said company, until the first election in 1859, or until others are duly elected or appointed and qualified in their places. Names of present directors.

SEC. 6. All acts and parts of acts heretofore passed, inconsistent with this Act are hereby repealed. Acts repealed.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 6, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXXXVI.

LUELLA TOWN COMPANY.

AN ACT to Incorporate the Luella Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That John McCannon, John Shepard, O. P. Bain, Wm. Jones and Wm. Stone, their associates and successors, are hereby constituted and declared a body corporate, by the name and style of the Luella Town Company, and by that name shall be capable of making contracts, suing and being sued, pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory. Said company Names of incorporators.

Authority.

is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations from time to time, as may be deemed necessary for the government of said company and the management of its affairs.

Powers of corporation.

SEC. 2. That the corporation hereby created, shall have power to purchase and hold, by pre-emption or otherwise, any quantity of land in the Territory of Kansas, county of Bourbon, where the town of Luella, is now located, not to exceed six hundred and forty acres, and to lay the same off into squares, blocks and lots, and to sell, dispose of and convey the same by deed.

May pass by-laws, &c.

SEC. 3. That the said company shall have power to pass by-laws for the election of such officers, at such time or times as may be necessary to carry on the business of said company; and all deeds for the conveyance of the real estate of said company, shall be signed by such officers as the company may, by its by-laws, designate, and when so signed, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory or elsewhere.

Of transfer of stock.

SEC. 4. That the said company may, by its by-laws, prescribe rules for the transfer of the stock of said company, by each individual stockholder.

This Act to take effect and be in force from and after its passage.

[Signed.]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXXXVII.

MARMATON TOWN COMPANY.

AN ACT to Incorporate the Marmaton Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of incorporators.

SECTION 1. That Wm. R. Griffith, W. B. Barber, Wm. H. Krotzer, Horatio Knowles, and their associates and successors, are hereby constituted a body politic and corporate by the name

and style of the Marmaton Town Company, and by that name and style, shall be competent to make contracts, sue and be sued, plead and be impleaded in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Authority.

SEC. 2. That the town company hereby created shall have power purchase and hold or pre-empt any quantity of land in Kansas Territory, where the town of Marmaton is now located, in the county of Bourbon, not to exceed three hundred and twenty acres, and to lay the same off into parks, squares, lots and streets, and to sell, dispose of, and convey the same by deed or otherwise.

Powers of corporations.

SEC. 3. That all deeds for the conveyance of real estate of the company, shall be signed by such officers as the company may, by by-laws, designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory or elsewhere.

Of deeds of conveyance.

SEC. 4. That the stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the transfer of the stock by each individual shareholder or stockholder.

Stock deemed personal property.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved February 6, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXXXVIII.

MARMITON TOWN COMPANY.

AN ACT to Incorporate the Marmiton Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporators.

SECTION 1. That T. R. Roberts, James E. Jones, Orlando Darling and Charles Dimon, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the Marmiton Town Company, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Powers of corporation.

SEC. 2. The corporation hereby created, shall have power to purchase and hold, any quantity of land, where the said town is now located, not to exceed one thousand acres, comprising in part, the south-west quarter of section thirty-one, in township twenty-eight, range twenty-four east, and the north-west quarter of section six, in township twenty-six, range twenty-four east, and to lay the same off into parks, squares and lots, and to sell, dispose of and convey the same by deed.

May pass by-laws, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, at such time or times as may be necessary to carry out the business of the company ; and all deeds for the conveyance of the real estate of the company, shall be signed by such officers as the said company may by by-laws designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts or elsewhere.

Transfer of stock.

SEC. 4. The company may, by by-laws, prescribe rules for the transfer of stock of the same, by each individual shareholder or stockholder.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER CXXXIX.

MAPLETON TOWN ASSOCIATION.

AN ACT to Incorporate the Mapleton Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. William Hutchinson, B. B. Newton, J. C. Burnet, S. O. Hirnor, E. P. Higby, S. W. Cheever and D. Scott, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the Mapleton Town Association, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said association is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws as may be deemed necessary, for the government of said association and the management of its affairs.

Names of corporators.
Authority.

SEC. 2. That the officers of said association shall consist of a president, secretary, treasurer, and a board of five trustees, who shall be elected at the first meeting of the association, and shall hold their offices for the term of one year, and until their successors are chosen.

Officers.
Term of office.

SEC. 3. That the corporation hereby created, shall have power to purchase and hold, or to enter by pre-emption, or otherwise acquire, any quantity of land, where the town of Mapleton is now located, not to exceed three hundred and twenty acres, and to lay off the same into parks, squares, blocks and lots, streets, avenues and alleys, and to sell and dispose of, and convey the same by deeds.

Powers of corporation.

SEC. 4. That the said association, shall have power to pass by-laws, regulating the time for its meetings, and controlling the same, and all deeds for the conveyance of the real estate of the association, shall be signed by the president and secretary, and attested with the seal of the corporation, and when so signed and attested, and acknowledged by the president and secretary as their free act, for and in behalf of the association, shall be deemed and held sufficient to pass all the interest of the corporation in such real estate.

May pass by-laws &c.

SEC. 5. That the said association may, by by-laws, prescribe rules for the transfer of stock and shares in said town, and shall have power to tax the said stock and shares, for the purpose of

Of transfer of stock.

entering the land upon which the town is located, and for other necessary purposes.

Quorum:

SEC. 6. That six members of the association, including three of the officers above named, shall constitute a quorum for the transaction of business, and all acts done by them, shall be binding on the corporation.

This Act shall take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXL.

MAIRES TOWN TOWN COMPANY.

AN ACT to Incorporate the Maires Town Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporators.

SECTION 1. That Lewis Maires, Lewis W. Maires, Edwin A. Maires, Thomas W. Maires, Samuel Evans Maires, John Maires, William Maires, Richard Maires, Joseph Maires, Edward Hoogland, their associates and successors, are hereby constituted and declared a body corporate, by the name and style of the Maires Town Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatever, in all courts of law or equity, in this Territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations, as from time to time may be deemed necessary for the government of said company and the management of its affairs.

Authority.

Powers of corporation.

SEC. 2. The corporation hereby created, shall have power to purchase and hold, and enter by pre-emption or otherwise, any quantity of land, where said town of Maires Town is now located, not to exceed six hundred and forty acres, and to lay the same

off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same.

SEC. 3. Deeds for the conveyance of the real estate of said company, shall be signed by said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, and when so duly executed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory or elsewhere.

Of deeds of conveyance.

SEC. 4. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for issuing certificates of stock and lots, and transferring the same by each individual stockholder.

Stock deemed personal property.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 6, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXLI.

MARIETTA TOWN COMPANY.

AN ACT to Incorporate the Marietta Town Company, in the county of Marshal, Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That J. P. Miller, P. H. Swift, R. A. West and A. S. Vaught, and their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Marietta Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law or equity in this Territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as, from time to time, may be deemed necessary to the government of said company and the management of its affairs.

Names of corporators.

Authority.

Powers of corporation.

SEC. 2. That said corporation hereby created shall have power to purchase and hold, and to enter, by pre-emption or otherwise, any quantity of land, not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same.

May pass by-laws &c.

SEC. 3. That the said company shall have power to pass by-laws for the election of such officers, and at such times as may be necessary to transact the business of the said company; and all deeds for the conveyance of the real estate of the said company, shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, and when so duly executed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory or elsewhere.

Stock deemed personal property.

SEC. 4. That the stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of said stock, by each individual stockholder.

SEC. 5. That it is the intention of this Act to grant no right or privilege inconsistent with or contrary to the laws of Congress in such cases made and provided.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXLII.

MARBLE FALLS TOWN COMPANY.

AN ACT to Incorporate the Marble Falls Town Company, in Marshal County, Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That J. C. McNulty, J. C. Palmer, J. S. Goble, W. H. Oliver, J. K. Swift, S. O. Strauder, and their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Marble Falls Town Company, and by that name shall be capable to make contracts, to sue and be sued, to implead and be impleaded, in all matters whatsoever, in all courts of law and equity in this Territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

Authority.

SEC. 2. That said corporation hereby created, shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land, not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same, and said town shall be called Marble Falls.

Powers of corporation.

SEC. 3. That the said company shall have power to pass by-laws, for the election of officers, and at such times as may be necessary to transact the business of the said company; and all deeds for the conveyance of the real estate of the said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, and when so duly executed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this Territory or elsewhere.

May pass by-laws, &c.

SEC. 4. That the above named board of trustees shall have power to fill vacancies which may occur in their body by death, resignation, or otherwise.

Vacancies how filled.

SEC. 5. That the stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of said stock, by each individual stockholder.

Stock deemed personal property.

SEC. 6. That it is the intention of this Act, to grant no right or privilege inconsistent with, or contrary to, the laws of Congress, in such cases made and provided.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 2, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXLIII.

MEDINA TOWN COMPANY.

AN ACT to Incorporate the Town Company of the town of Medina.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporators.

SECTION 1. That H. G. Blake, J. T. Ainsworth, Chester T. Hills, Charles F. Garrett, Joseph L. Speer, and their associates and successors, are hereby constituted and declared a body corporate, by the name and style of the Medina Town Company, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws as may [be] deemed necessary for the government of said company, and the management of its affairs.

Authority.

Powers of corporation.

SEC. 2. That the corporation hereby created shall have power to purchase and hold, or to enter by pre-emption or otherwise, any quantity of land in the Territory of Kansas, where the town of Medina is now located, in the county of Jefferson, not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell and dispose of, and convey the same.

Of deeds of conveyance.

SEC. 3. That all deeds for the conveyance of real estate of the said company, shall be signed by the president and secretary thereof; and when so signed, with the corporate seal attached,

shall be deemed and held a sufficient execution and authentication of all such deeds, in all courts of this Territory or elsewhere.

SEC. 4. That the stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of said stock, by each individual stockholder.

Stock deemed personal property.

SEC. 5. That all acts or parts of acts inconsistent with this Act, be, and the same are hereby repealed.

Acts repealed.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXLIV.

MINNEOLA TOWN COMPANY.

AN ACT to Incorporate Minneola Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Cyrus F. Currier, Perry Fuller, Turner Sampson, J. W. Marsell, D. H. Wier, their associates and successors be, and the same are hereby constituted a body politic and corporate by the name and style of the Minneola Town Company, and by that name shall have power to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is hereby authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be necessary for the government of said company and the management of its affairs.

Names of corporations.

Authority.

SEC. 2. That the corporation hereby created, shall have power to purchase and hold any quantity of land, in a body, within the Territory of Kansas, not to exceed two thousand acres, and to lay off the same, or any part thereof, into streets, alleys, blocks, lots, squares and parks, and otherwise improve the same, to sell,

Powers of corporation.

dispose of and convey the same by deed; and all deeds for the conveyance of the real estate of said company, shall be signed by said company, as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, and when so duly executed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this Territory, or elsewhere.

Stock deemed
personal prop-
erty.

SEC. 3. That the stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for issuing certificates of said stock by said company, and transferring the same by each individual stockholder.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved January 28, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CLXV.

MOUND CITY TOWN COMPANY.

AN ACT to incorporate the Mound City Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of cor-
porators.

SECTION 1. That David W. Cannon, Ebenezer Barnes, Gregory Danford, Charles Barnes, Wm. T. Turner, and their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Mound City Town Company, and by that name shall be capable of making contracts, suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory. Said company is authorized to have and to use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations, from time to time, as may be deemed necessary for the government of said company and the management of its affairs.

Authority.

SEC. 2. The corporation hereby created shall have power to purchase and hold, by pre-emption or otherwise any quantity of land, in the Territory of Kansas, county of Linn, where the town of Mound City is now located, not to exceed six hundred and forty acres, and to lay the same off into squares, blocks and lots, streets and alleys, and to sell, dispose of and convey the same by deed. Powers of corporation.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, at such time or times as may be necessary to carry on the business of said company; and all deeds for conveyance of the real estate of the company, shall be signed by such officers as the company may by its by-laws designate, and when so signed shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory, or elsewhere. May pass by-laws for election of officers &c.

SEC. 4. The said company may, by its by-laws, prescribe rules for the transfer of the stock of said company by each individual stockholder. Transfer of stock.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved February 2, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CXLVI.

MONEKA TOWN COMPANY.

AN ACT to incorporate the Moneka Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That John B. Wood, Augustus Wattles, John O. Wattles, R. Gilpatrick and Erastus Heath, and their associates and successors, are hereby constituted and declared a body corporate, by the name and style of the Moneka Town Company, and by that name shall be capable of making contracts, suing and being sued, of pleading and being impleaded, in all mat- Names of corporations. Authority.

ters whatsoever, in all courts of law and equity in this Territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations, from time to time, as may be deemed necessary for the government of said company, and the management of its affairs.

Powers of corporation.

SEC. 2. That the corporation hereby created shall have power to purchase and hold, by pre-emption or otherwise, any quantity of land, in the Territory of Kansas, county of Linn, where the town of Moneka is now located, and contiguous thereto, not exceeding six hundred and forty acres, and to lay the same off into squares, blocks and lots, streets and avenues, and to sell and dispose of and convey the same by deed.

Officers.

SEC. 3. That the said company shall have power to elect a president, secretary and treasurer, and such other officers as may be necessary to carry on the business of the company; and all deeds for the conveyance of the real estate of said company, shall be signed by the president and secretary, and countersigned by the treasurer, and when so signed shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory, or elsewhere.

Stock deemed personal property.

SEC. 4. That the stock of this company shall be deemed personal property, and the company may, by by-laws, prescribe rules for the issuing of stock by the company, and for transferring the same by the company or by individuals.

President and secretary shall pre-empt.

SEC. 5. That the president and secretary shall be the proper persons to enter and pre-empt, under the Act of Congress, the town site of Moneka, and shall hold the same in trust for the company.

First meeting, how called.

SEC. 6. That John B. Wood and Augustus Wattles, or either of them, may call the first meeting of this company, by giving three weeks' notice in some paper published in Lawrence in said Territory, of the time and place of holding such meeting.

This Act to take effect from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 12, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXLVII.

MUSCOTAH TOWN COMPANY.

AN ACT to Incorporate the Muscotah Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That C. B. Keith, J. C. Badger, W. P. Kellogg, their associates and successors, are hereby constituted a body political and corporate, by the name and style of the Muscotah Town Company, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded in all matters whatsoever. Said company is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of corporations.

SEC. 2. That the corporation hereby created shall have power to purchase and hold any quantity of land, in the Territory of Kansas, where the town of Muscotah is now located, not to exceed six hundred and forty acres, and to lay the same off into parcels, squares and lots, and to sell, and dispose of and convey the same by deed, or otherwise.

Powers of corporation.

SEC. 3. That the said company shall have the power to pass by-laws for the election of such officers, at such time or times as may be necessary to carry out the business of the company ; and all deeds for the conveyance of the real estate of the company, shall be signed by such officers as the said company may, by their by-laws, designate, which deeds shall be acknowledged, as other conveyances of real estate, and when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds, in all courts in this Territory, or elsewhere.

May pass by-laws &c.

SEC. 4. That the company may, by by-laws, prescribe rules for the transfer of the stock of the same by each individual stock or shareholder.

May prescribe rules for the transfer of stock.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 G. W. BABCOCK,
President of the Council.

Approved February 8, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER CXLVIII.

OSAWATOMIE TOWN COMPANY.

AN ACT to Incorporate the Osawatomie Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporations.

SECTION 1. That Orville C. Brown, William Ward, Samuel C. Pomeroy, Samuel Geer and Cyrus Tater, and such other persons as now are or hereafter may be associated with them, shall be, and they are hereby constituted a body politic and corporate by the name of the Osawatomie Town Company, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters, in any courts whatsoever.

Authority.

Said company is authorized to have and use a common seal, and to change the same at pleasure.

Powers of corporation.

SEC. 2. That said company shall be authorized to purchase and hold, and to dispose of and convey, by deed or otherwise, any quantity of land, not exceeding six hundred and forty acres, where the town of Osawatomie is now located, and contiguous thereto, and to lay the same off into blocks, lots, streets and parks, and also shall be authorized to receive, hold, sell and convey any other property, real, personal or mixed, that may be devised or given to said company.

Stock deemed personal property.

SEC. 3. That the stock of said company shall be deemed personal property, and may be divided into such number of shares as the trustees of said company may hereafter determine; and the said trustees may, from time to time, prescribe and enact such rules and by-laws, for the issuing and transfer of said stock, and for the government and management of the affairs and concerns of said company, as they may deem requisite and necessary.

May pass by-laws &c.

SEC. 4. That the stock, property, concerns and affairs of the said company shall be managed by five trustees, who shall be stockholders, three of whom shall constitute a quorum for the transaction of business, and who shall hold their offices for one year, and until others are chosen and qualified in their places. The trustees shall be chosen annually in the town of Osawatomie, on the first Monday in May, at such time and place in said town as the trustees for the time being shall appoint. The first election after the passage of this Act, shall be held on the first Monday in May, in the year 1859. Two weeks' notice of such election shall be given by a publication of such notice, at least once

Board of trustees, duty of.

in each week, in some newspaper published in the said town, or by posting such notice in at least six conspicuous places in such town, for two weeks previous to such election. Each stockholder shall be entitled to one vote for each share of stock held by him or her. Voting shall be by ballot, and may be in person or by proxy.

SEC. 5. That the trustees shall annually appoint one of their number president, and shall also appoint a secretary and treasurer, which said last named officers shall hold their offices until removed and others appointed in their places, by said trustees.

Appointment
of officers.

SEC. 6. That the trustees of said company may, from time to time, levy and assess upon the stock of the company, such sums of money as may be necessary to pay for any and all lands purchased by them for the use of said company. Notice of the levying of such tax or assessment, by posting written or printed notices in six of the most public places in said county: *Provided*, there be no newspaper published in said county. Assessment and the time and place of payment thereof, shall be published for three successive weeks previous to such time of payment, at least once in each week, in all the newspapers published in the county in which said town is situated, and in case any person or persons, upon whose stock any tax or assessment shall be levied, shall refuse or neglect to pay the same, on or before the time it becomes due and payable, according to the conditions of said notice, it shall be legal for said trustees to sell such stock for payment of said tax or assessment, giving three weeks' notice of such sale, by publishing such notice for three successive weeks in all the newspapers published in the aforesaid county, and by posting the same in at least six conspicuous places in the town of Osawatomie, at least three weeks previous to the day of such sale; and in case the tax or assessment of such stock, thus advertised for sale, is not paid, together with the interest and expenses thereon, before the time specified in such notice, the stock so advertised, shall, under the direction of the said trustees, be sold to the highest bidder; and all surplus of money, if any there be, arising from such sale, over and above the amount of such tax or assessment, together with interest and expenses of such sale, shall be paid into the treasurer of said company, and by him held subject to the order of the person on whose account said stock was sold; but in case such surplus is not called for within the term of one year from the date of such sale, the owner or owners thereof shall forfeit all right or title thereto, and it shall revert to and become the property of the said company.

Trustees may
levy and assess
taxes.

Powers of trustees.

SEC. 7. That the trustees of said company shall have the exclusive control of and over any and all real estate or other property belonging to said company, or that may hereafter be acquired by it and shall have the right to lease the same, or dispose of it by deed or otherwise. All deeds for the conveyance of any real estate of said company, shall be signed by its president, as such, which deeds, when so signed and acknowledged, before any officer authorized to make the acknowledgments of conveyances of real estate, together with the official seal of the company attached, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this Territory or elsewhere.

Term of office of trustees.

SEC. 8. That the persons named in the first section of this Act shall be and remain the trustees of this company until the first election, to be held on the first Monday in May, A.D. 1859, or until others are duly elected and qualified. Any vacancies occurring in the board of trustees, by death, resignation or otherwise, may be filled by appointment of the balance of the board; and the person or persons so appointed shall hold his or their office for the unexpired term of office of the person whose vacancy he or they were appointed to fill.

Vacancies, how filled.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 11, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CXLIX.

OTTAWA TOWN COMPANY.

AN ACT to Incorporate the Ottawa Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of incorporators.

SECTION 1. That Ralph Mayfield, J. M. M. Shore, Champion Mayfield, Perry Fuller, and their associates and successors, are hereby constituted a body corporate, by the name and style of the Ottawa Town Company, and by that name shall be competent to make contracts, sue and be sued, implead and impleaded, defend and be defended, in all matters and in any court.

Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws, rules and regulations as may be deemed necessary for the government of said company and the management of its affairs, and for the transfer of its stock by each individual stockholder. Authority.

SEC. 2. That the corporation hereby created shall have power to purchase any quantity of land, where the town of Ottawa is now located, in Douglas county, not exceeding six hundred and forty acres, by right of pre-emption or otherwise, and to lay off the same into lots, blocks, squares, avenues, alleys, and to sell and dispose of and convey the same by deed. Powers of corporation.

SEC. 3. That all deeds for the conveyance of the real estate of the company, shall be signed by such officers as the said company shall, by its by-laws, designate, and when so signed, shall be deemed and held a sufficient execution of said deeds in all courts. Of deeds of conveyance.

SEC. 4. That the said stock shall be deemed personal property. Stock deemed personal property.

SEC. 5. This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 6, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CL.

OSAGO CITY ASSOCIATION.

AN ACT to Incorporate the Osago City Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That Adam Fisher, H. Allen and H. C. Justice, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Osage City Association, and by that name shall have perpetual succession, shall be capable of making contracts, of suing and being sued, pleading and being impleaded, in all matters what- Names of corporations.
Authority.

soever, in all courts of law and equity. Said association is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as may, from time to time, be deemed necessary for the government of said association and the management of its affairs.

Powers of association.

SEC. 2. Said association shall have power to purchase and hold, to enter by pre-emption, or otherwise acquire title to any quantity of land, not exceeding three hundred and twenty acres, where Osage City, in Kansas Territory, is now located, and to lay off the same in lots, squares and streets, and to sell, dispose of and convey the same.

May pass by-laws, &c.

SEC. 3. The said association shall have power to pass by-laws for the election of such officers, at such time or times as may be necessary to carry on the business of the association; and all deeds for the conveyance of the real estate of the association, shall be signed by such officers of the association as may be designated by said by-laws, and when so signed, shall be deemed and held a sufficient authentication of such deeds in all courts of this Territory.

Stock deemed personal property.

SEC. 4. The stock of the said association shall be deemed personal property, and the said association may, by by-laws, prescribe rules for issuing and transferring the said stock, by each individual stockholder.

This Act shall take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 6, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CLI.

OTTO TOWN COMPANY.

AN ACT to Incorporate the Town Company of Otto, in the County of Marshall, Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That J. S. Magill, O. D. Prentiss, J. H. Swift, Names of corporators. Watus Vaught, and J. P. Millan, and their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Otto Town Company, and by that name shall be capable to make contracts, of suing Authority. and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as, from time to time, may be deemed necessary for the government of said company and the management of its affairs.

SEC. 2. That the corporators hereby created, shall have power Powers of corporation. to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land, not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same.

SEC. 3. That the said company shall have power to pass by- May pass by-laws for election of officers &c. laws for the election of such officers, and at such times as may be necessary to transact the business of the said company; and all deeds for the conveyance of the real estate of the said company, shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, and when so duly executed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this Territory, or elsewhere.

SEC. 4. That the stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for issuing [and] transferring said stock by each individual stockholder. Stock deemed personal property.

SEC. 5. That it is the intention of this Act to grant no right or privilege inconsistent with or contrary to the laws of Congress, in such cases made and provided.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CLII.

PADONIA TOWN COMPANY.

AN ACT entitled "An Act to Incorporate the Padonia Town Company."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporators.

SECTION 1. That R. J. Gatling, Wm. Gatling, James H. Lane, Onias Bailey, David Bailey, F. S. Reed and Orville Root, their associates and successors, are hereby constituted and declared a body corporate, by the name and style of the Padonia Town Company, and by that name shall be known in law, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, of defending and being defended, in all courts of law and equity in this Territory, or elsewhere. Said company is hereby authorized to have and to use a common seal, and to alter or change the same at pleasure, and to make, from time to time, such by-laws and regulations as may be deemed necessary for the government of said company and the management of its affairs.

Authority.

Powers of corporation.

SEC. 2. The company hereby created shall have power to purchase and hold any quantity of land, in Kansas Territory, where the town of Padonia, in Brown county, is now located, not exceeding six hundred and forty acres, and to lay off the same into blocks, lots, parks, market places, squares, avenues, streets and lanes, and to sell, dispose of and convey the same by deed.

Of deeds of conveyance.

SEC. 3. All deeds for the conveyance of real estate of the company shall be signed by such officers as said company, by by-laws, may designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and

authentication of such deeds in all courts of this Territory and elsewhere.

SEC. 4. The stock of said company shall be deemed personal property, and said company may prescribe rules for transferring the same by individual stockholders. Stock deemed personal property.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CLIII.

PARDEE TOWN COMPANY.

AN ACT entitled "An Act to Incorporate the Town of Pardee."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That Pardee Butler, Smith G. More, Washington Wakefield, Hugh Bery, Thomas J. C. Duncan, George W. Cobb, Milo Carleton, James A. Brewer, James H. Lane, Archibald Elliott, Rosil Higby, Moses Greenough, Lewis Brockman, C. F. Marshall, William J. May, and A. S. Speek, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the Pardee Town Company, and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Names of incorporators.

Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs, and to prescribe rules for the transfer of the stock of said company. Authority.

SEC. 2. That the corporation hereby created, shall have power to purchase and hold, by pre-emption or otherwise, [any] quantity of land, not exceeding six hundred and forty acres, in the Territory of Kansas and county of Atchison, where the town of Par-

Powers of corporation.

dee is now located, and to lay off the same into blocks and lots, and to sell, and dispose of and convey the same by deed.

May pass by-laws &c.

SEC. 3. That the said company shall have power to pass by-laws for election of such officers, at such times as may be necessary to carry on the business of the company; and all deeds for the conveyance of the real estate of the company, shall be signed by such officers as the said company may, by by-laws, designate; and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory, or elsewhere.

Of titles to town lots.

SEC. 4. That in making titles to town lots, it shall be a part of the consideration for said lot or lots, that the owner shall not sell, barter or give away any intoxicating liquors, or permit the same to be done on the premises, and on conviction thereof, the title to said property shall revert back to the original proprietors, both in law and equity.

SEC. 5. That no by-laws shall be made to conflict with this act of incorporation, or the laws of the land.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CLIV.

PLEASANT VALLEY TOWN COMPANY.

AN ACT to Incorporate the Pleasant Valley Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporators.

SECTION 1. That S. S. Tiptan, J. Groves, S. N. Wood, N. F. Tiptan, S. S. Potter, their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the Pleasant Valley Town Company, and by that name shall be competent to make contracts, sue and being sued, implead and be impleaded, defend and be defended, in all matters, and in any court; said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make

for the government of said company, and the management of its affairs.

SEC. 2. That said corporation hereby created, shall have power to purchase by pre-emption or otherwise, and hold any quantity of land in the Territory of Kansas, not to exceed six hundred and forty acres, including the north half of section number twenty-three, in township number twenty south, in range number seventeen east, of the sixth principal meridian, in Kansas Territory, where the town of Pleasant Valley is now located, and to lay off the same into squares, blocks and lots, and dispose of and convey the same by deed.

Powers of corporation.

SEC. 3. That said company shall have power to pass by-laws for the election of such officers, as may be necessary to manage and carry on its affairs and business; and all deeds for the conveyance of real estate of the said company, shall be signed by such officers as the said company may by its by-laws designate, and when so signed and acknowledged, before some proper officer, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory, or elsewhere.

May pass by-laws, &c.

SEC. 4. That said company may, by its by-laws, prescribe rules for the transfer of the stock of said company by each individual stockholder.

Of transfer of stock.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 3, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CLV.

PORT WILLIAM.

AN ACT to Incorporate the Town of Port William.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

- Boundaries.** SECTION 1. All that Territory embraced within the following boundaries, to wit: The north-east fractional quarter, and the north half of the south-east quarter of section number eleven, and the west half of the south-west fractional quarter of section number twelve, in township number seven, of range twenty-one, shall be known and called the Town of Port William, and by that name shall be known in law, and have perpetual succession, and may sue and be sued, plead and be impleaded, defend and be defended, in all courts in this Territory, and may have a common seal, and alter the same at pleasure, and may have all the powers and privileges usually granted to such corporations and bodies in this Territory.
- Authority.**
- Names of trustees.** SEC. 2. James G. Sprate, William B. Almond, Henry Bradley, Horace B. Harnden, William C. Remmington and Henry De Bard, are hereby made and constituted a board of trustees, for the organization and government of said town, with all the powers conferred on corporate bodies by any law now or to be in force in this Territory, and such board of trustees, shall have full power to fill any vacancy that may occur in this board. They and their successors in office shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land where the said town of Port William is now located, not to exceed three hundred and twenty acres, and to lay the same off into lots, parks, streets, avenues, and to sell, dispose of, and convey the same.
- Vacancies how filled.**
- Powers of trustees.**
- May pass by-laws, &c.** SEC. 3. The said company shall have power to pass by-laws for the election of such officers, at such times as may be necessary to carry out the business of said company; and all deeds for conveyance of the real estate of said company, shall be signed by such officers as said company shall designate, and when so signed and acknowledged, in accordance with the laws of this Territory, shall be deemed and held sufficient execution of such conveyance, and within any of the courts of this Territory.
- SEC. 4. The said company may, by by-laws, prescribe rules

for the issuing and transferring of the shares and stock belonging thereto. Of transfer of stock.

This Act to take effect and be in force from and after its passage.

[Signed.]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CLVI.

SABETHA TOWN COMPANY.

AN ACT to Incorporate the Sabetha Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That A. W. Williams, Isaac Sweetland and E. N. Morrill, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Sabetha Town Company, and by that name shall be known in law; shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts of law and equity in this Territory. Said company is hereby authorized to have and use a common seal, with power to alter or change the same at pleasure, and to make from time to time such by-laws and regulations, as may be deemed necessary for the government of said company, and the management of its affairs.

Names of corporators.

Authority.

SEC. 2. That the company hereby created, shall have power to purchase and hold, any quantity of land in Brown and Nemaha counties, Kansas Territory, not exceeding six hundred and forty acres, and to lay off the same into lots, blocks, squares, parks, streets, lanes and avenues, and to sell, dispose of, and convey the same by deed.

Powers of company.

SEC. 3. That all deeds for the conveyance of real estate of the company, shall be signed by such officers as said company, by by-laws may designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and au-

Of deeds of conveyance.

thentication of such deeds, in all courts of this Territory or elsewhere.

Stock deemed personal property.

SEC. 4. That the stock of said company shall be deemed personal property, and said company may prescribe rules for transferring the same by individual stockholders.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 6, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CLVII.

SENACA TOWN COMPANY.

AN ACT entitled "An Act to Incorporate the Senaca Town Company."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of incorporators.

SECTION 1. That Samuel Lappin, Royal U. Torrey, James B. Ingersoll and Charles N. Fenlon, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Senaca Town Company, and by that name shall be known in law, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, of defending and being defended, in all courts of law and equity in this Territory, or elsewhere. Said company is hereby authorized to have and to use a common seal, and to alter or change the same at pleasure, and to make, from time to time, such by-laws and regulations as may be deemed necessary for the government of said company, and the management of its affairs.

Authority.

Powers of company.

SEC. 2. That the company, hereby created, shall have power to purchase and hold any quantity of land in Nemaha county, where the town of Senaca is now located, not exceeding six hundred and forty acres, and to lay off the same into blocks, lots, parks, market places, squares, streets and lanes, and to sell, dispose of and convey the same by deed.

SEC. 3. That all deeds for the conveyance of real estate of the company, shall be signed by such officers as said company, by by-laws, may designate; and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory, or elsewhere.

Of deeds of conveyance.

SEC. 4. That the stock of the said company shall be deemed personal property, and said company may prescribe rules for transferring the same by individual stockholders.

Stock deemed personal property.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CLVIII.

SPRING HILL TOWN COMPANY.

AN ACT to Incorporate the Spring Hill Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. [That] James B. Harvey, A. D. Richardson, E. S. Nash, A. B. Simmons, Wm. A. Perkins, and their associates and successors, are hereby constituted a body corporate and politic, by the name and style of the Spring Hill Town Company, and by that name shall be competent to make contracts, to sue and be sued, implead and be impleaded, defend and be defended, in all matters whatever, in any courts of law or equity in the Territory of Kansas. The said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as may be deemed necessary for the government of said company, and the management of its affairs.

Names of incorporators.

Authority.

SEC. 2. The corporation hereby created shall have power to purchase and hold, by pre-emption or otherwise, any quantity of land in the Territory of Kansas, where the town of Spring

Powers of corporation.

Hill is now located, not exceeding three hundred and twenty acres, and lay the same off into parks, squares, blocks, lots, avenues, streets and alleys, and to sell, dispose of and convey the same, and any part thereof, by deed; and erect buildings, and to make such other improvements as may tend to promote the interest of the company.

May pass by-laws, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of officers, at such times as may be necessary to carry out the business of the company; and all deeds for the conveyance of real estate of said company, shall be signed by such officers of the company as the by-laws of the company shall designate; which deeds shall be duly signed and acknowledged as other conveyances of real estate; and when so signed and acknowledged, shall be held sufficient authentication of such deeds.

Transfer of stock.

SEC. 4. The said company may, by by-laws, present rules for the issuing and transferring of stock and shares in said town, and shall have power to tax the said stock and shares for the purpose of entering the land upon which the town is located, and for other general purposes.

SEC. 5. [That] it is the intention of this Act to grant no privileges inconsistent with or contrary to the laws of Congress, in such cases made and provided.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 9, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER CLIX.

SPRINGVILLE TOWN COMPANY.

AN ACT to Incorporate the Springville Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporations.

SECTION 1. That Arthur J. Baker, George H. Rees, Eli M. Sewell, and Elisha Goddard, and P. B. Plumb, their associates

and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Springville Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure; and to make such by-laws and regulations as, from time to time, may be deemed necessary for the government of its affairs. Authority.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter, by pre-emption or otherwise, any quantity of land, where said town of Springville is located, not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same. Powers of corporation.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company, shall be signed by such officers of said company as the by-laws of said company shall designate; which deeds shall be duly signed and acknowledged as other conveyances of real estate; when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory, or elsewhere. May pass by-laws, &c.

SEC. 4. The above named board of trustees shall have power to fill vacancies which may occur in their body, by death, resignation or otherwise. Vacancies, how filled.

SEC. 5. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual stockholder. Stock deemed personal property.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 6, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CLX.

SUMNER COMPANY.

AN ACT to Incorporate the Sumner Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporations.

SECTION 1. That Cyrus F. Currier, Samuel Harsh, J. W. Morris, Isaac G. Losse and John P. Wheeler, their associates and successors, are hereby constituted and declared a body corporate and politic, by the name and style of the Sumner Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law or equity in this Territory, or elsewhere in the United States. Said company is authorized to have and to use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as, from time to time, may be deemed necessary for the government of said company and the management of its affairs.

Authority.

Powers of corporation.

SEC. 2. The corporation hereby created, shall have power to purchase and hold, and enter by pre-emption, or otherwise, any quantity of land where the town of Sumner, in Atchison county, Kansas Territory, is now located, not to exceed one thousand acres, and to lay the same off into lots, parks, streets, avenues, alleys and squares, and to sell, dispose of and convey the same.

May pass by-laws, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers as may be necessary to carry on the business of said company; and all deeds for the conveyance of the real estate of said company, shall be signed by said company, as the by-laws of said company shall prescribe, which deeds shall be duly executed and acknowledged, and when so executed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory or elsewhere.

Stock deemed personal property.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing of said stock, and the transfer thereof, by each individual stockholder.

SEC. 5. This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 1, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER CLXI.

SUPERIOR TOWN COMPANY.

AN ACT to Incorporate the Superior Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That A. B. Bartlett, O. B. Gunn, Daniel Killen, James D. Chesnut and Charles W. Patterson, their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the Superior Town Company, and by that name shall have power to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is hereby authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws as may be necessary for the government of said company, and the management of its affairs.

Names of incorporators.

Authority.

SEC. 2. That the corporation hereby created, shall have power to purchase and hold any quantity of land, in the Territory of Kansas, where the town of Superior is now located not to exceed twelve hundred and eighty acres, and to lay off the same, or any portion thereof, into streets, alleys, lots, squares and parks, and to dispose of and convey the same by deed; and all deeds for the conveyance of the real estate of said company, shall be signed by said company, as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, and when so duly executed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this Territory, or elsewhere.

Powers of corporation.

SEC. 3. That the stock of said company shall be personal property, and the said company may, by by-laws, prescribe rules for issuing certificates of said stock by said company, and transferring the same by each individual stockholder.

Stock deemed personal property.

May explore for
coal, &c.

SEC. 4. That said company shall have power to explore for coal, and to mine and vend the same, to erect furnaces, foundries, mills and manufactories, of every description, necessary for working the same, and is hereby empowered to hold and again to dispose of any property or estate, real, personal or mixed; and is hereby empowered to survey, locate and establish, construct, maintain and operate a road or roads, plank roads, turnpikes, or railroads, from the works of said company, to such point or points, as may be necessary for the purposes of said company.

This Act to have effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CLXII.

WAYNESBURG TOWN COMPANY.

AN ACT to Incorporate the Waynesburg Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of cor-
porators.

SECTION 1. That Richard Phelan, C. H. Pennock, Enos Hook, Paul Dorrin, A. A. Higinbotham, Wm. Hook, Thomas Haskinson, J. W. H. Golden and Jacob H. Clifford, their associates and successors, are hereby constituted and declared a body corporate, by the name and style of the Waynesburg Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory or elsewhere. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations, from time to time, as may be deemed necessary for the government of the company and the management of its affairs.

Powers of cor-
poration.

SEC. 2. That the corporation hereby created, shall have power to purchase and hold, to enter by pre-emption or otherwise, any

quantity of land not exceeding six hundred and forty acres, in the county of Greenwood, and lay the same off into lots, blocks, streets, alleys, parks, avenues and squares, and to sell, dispose of and convey the same.

SEC. 3. That the said company shall have power to pass by-laws, for the election of officers, at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly signed and acknowledged as other conveyances of real estate, and when so signed and acknowledged, shall [be] deemed and held sufficient execution and authentication of such deeds in all courts in this Territory or elsewhere.

May pass by-laws &c.

SEC. 4. That said company shall have power to erect buildings for dwellings, manufactories and machinery, and such other improvements as may tend to promote the interests of the company and the general prosperity of the town.

May erect buildings.

SEC. 5. That the stock of the same shall be deemed personal property, and the said company may, by by-laws, prescribe for the issuing of said stock, and transferring the same by each individual stockholder.

Stock deemed personal property.

All acts and parts of acts conflicting with the provisions of this Act, shall be, and the same are hereby repealed.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

This Bill having been returned by the Governor with his objection thereto, and after reconsideration, having passed both Houses by the constitutional majority, it has become a law this the twelfth day of February, A. D. 1858.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

CHAPTER CLXIII.

WAUPEGO TOWN COMPANY.

AN ACT to Incorporate the Waupago Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of cor-
porators.

SECTION 1. That A. J. Baker, A. Z. Sheldon, E. Goddard, W. A. Philips, E. P. Bancroft and P. B. Plumb, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Waupago Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and make such by-laws and regulations as, from time to time, may be deemed necessary for the government of said company and the management of its affairs.

Authority.

Powers of cor-
poration.

SEC. 2. The corporation hereby created shall have power to purchase and hold, to enter by pre-emption, or otherwise acquire title to any quantity of land, not to exceed six hundred and forty acres, in Wise county, Kansas, near the mouth of Diamond Spring creek, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same.

May pass by-
laws, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, at such times as may be necessary, to carry out the business of said company; and all deeds for the conveyance of the real estate of said company, shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, as other conveyances of real estate, and when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of law or equity in this Territory, or elsewhere.

Stock deemed
personal prop-
erty.

SEC. 4. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of the said stock by each individual stockholder.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.

C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CLXIV.

WAKARUSA TOWN COMPANY.

AN ACT to Incorporate the Wakarusa Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That James B. Abbott, Benson Doolittle, Thomas H. Kennedy, Wm. Livermore, Charles Dixson, and their successors and associates, be and are hereby constituted and declared a body politic and corporate, by the name of the Wakarusa Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all courts whatsoever, in law or equity, in this Territory. Said company is authorized to have and use a common seal, and alter the same at pleasure ; and to make such by-laws and regulations as, from time to time, may be deemed necessary for the government of said company and the management of its affairs. The corporation hereby created shall have power to purchase and hold, and enter, by pre-emption or otherwise, any quantity of land where the town of Wakarusa is now located, not exceeding three hundred and twenty acres, and to lay the same off into lots, blocks, parks, streets, squares and avenues, and to sell, and dispose [of] and convey the same.

Names of incorporators.

Authority.

Powers of corporation.

SEC. 2. The said company shall have power to pass by-laws for the election of such officers, as may be necessary to carry out the business of said company ; and all deeds for any conveyance of real estate of said company, shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, as other

May pass by-laws &c.

conveyances of real estate, [and] when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts in this Territory, or elsewhere.

Stock deemed personal property.

SEC. 3. The stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing of, and transferring said stock, by each individual stockholder.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved, February 1, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CLXV.

WEBSTER TOWN COMPANY.

AN ACT to Incorporate the Webster Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

Names of corporations.

SECTION 1. That E. J. Lines, W. S. Williams, C. B. Sawin, G. R. Osborn, S. Seymour, A. C. Cutler, G. H. Hills, Charles Parker, C. M. Osborn, C. B. Lines and Bartlett Finney, R. H. Watterman and John Miner, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the Webster Town Company, and by that name shall be competent to make contracts, to sue and be sued, plead and be impleaded, in all courts of law and equity in this Territory whatsoever. Said company is authorized to use and have a common seal, and to make such by-laws as they may deem necessary for the government [of] its affairs.

Authority.

Powers of corporation.

SEC. 2. That the corporation hereby created, shall have power to purchase and hold, by pre-emption or otherwise, any quantity of land, in Kansas Territory, where the town of Webster is now located, not exceeding three hundred and twenty acres; to lay

the same off into lots, blocks, streets, avenues, alleys, parks and squares; to sell, dispose of and convey the same.

SEC. 3. That said company shall have power to pass by-laws for the election of such officers, at such time or times as may be necessary to carry out the business of the company; and all deeds for the conveyance of the real estate of the company, shall be signed by such officers of said company as it shall designate, and when so signed, with the corporate seal attached, shall be deemed and held sufficient execution and authentication of all such deeds, in all courts and elsewhere.

May pass by-laws for election of officers &c.

SEC. 4. That said company may, by by-laws, prescribe for the transfer of the stock of said company, by each individual stockholder.

Of transfer of stock.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
C. W. BABCOCK,
President of the Council.

Approved February 9, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CLXVI.

WESTOPOLIS TOWN COMPANY.

AN ACT to Incorporate the Westopolis Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That E. M. Thurston, Allen Beeson, C. S. Jemison, D. B. Strait and J. W. Kent, their associates and successors, are hereby constituted and declared a body corporate and politic by the name and style of the Westopolis Town Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this Territory, or elsewhere. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations, from time to time, as may be deemed necessary for the government of the company and the management of its affairs.

Names of incorporators.

Authority.

Powers of corporation.

SEC. 2. The corporation hereby created shall have power to purchase and hold, to enter by pre-emption or otherwise, any quantity of land, not exceeding three hundred and twenty acres, where Westopolis is now located, as surveyed by E. M. Thurston, and lay the same off into lots, blocks, streets, alleys, parks, avenues and squares, and to sell, dispose of and convey the same.

May pass by-laws &c.

SEC. 3. The said company shall have power, to pass by-laws for the election of officers, at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company, shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly signed and acknowledged as other conveyances of real estate, and when so signed and acknowledged, shall be deemed and held sufficient execution and authentication of such deeds in all courts in this Territory, or elsewhere.

May erect buildings, &c.

SEC. 4. [That] said company shall have power to erect buildings for dwellings, manufactories and machinery, and such other improvements as may tend to promote the interests of the company, and the general prosperity of the town.

Stock deemed personal property.

SEC. 5. The stock of the same shall be deemed personal property, and the said company may, by by-laws, prescribe for the issuing of said stock, and transferring the same by each individual stockholder.

SEC. 6. That it is the intention of this Act to grant no privileges inconsistent with or contrary to the laws of Congress in such cases made and provided.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 1, 1858.

J. W. DENVER,

Acting Governor.

CHAPTER CLXVII.

WILMINGTON TOWN COMPANY.

AN ACT to Incorporate the Wilmington Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That Asa Reynard, Walter Oakley, E. H. Bufield and James B. Ingersol, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Wilmington Town Company, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs. Names of corporators.

SEC. 2. That the corporation hereby created shall have power to purchase and hold, by pre-emption or otherwise, any quantity of land, in Kansas Territory, where the town of Wilmington is located, and adjoining the same, not exceeding six hundred and forty acres, and to lay the same off into lots, streets, squares and parks, and to dispose of and convey the same by deed. Powers of corporation.

SEC. 3. That the said company shall have power to pass by-laws, for the election of such officers and at such times as may be deemed necessary to carry on the business of said company; and all deeds for the conveyance of real estate of said company, shall be signed by such officers of said company as the by-laws of said company may designate, and when so signed, with the corporate seal attached, shall be considered and held a sufficient execution and authentication of such deeds, in all courts of this Territory, or elsewhere. May pass by-laws, &c.

SEC. 4. That the stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of the same, by each individual stockholder. Stock deemed personal property.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 12, 1858.

J. W. DENVER, *Acting Governor.*

CHAPTER CLXVIII.

WHITE CLOUD CITY COMPANY.

AN ACT to Incorporate the White Cloud City Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Names of corporations.

SECTION 1. That Ozias Bailey, James Foster, Wm. J. Gatling, Henry W. Peter, R. J. Gatling, David Bailey, Cornelius Dorland, John H. Utt, John H. Likens, J. M. Burus, J. W. A. McGarvey, J. W. Boyd, R. L. McLaughlin, J. E. Barrow, L. F. Nuckolls and Robert Donnell, and their associates and successors, are hereby constituted a body corporate and politic, by the name and style of the White Cloud City Company, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever, in all courts of law and equity; may have and use a common seal, and alter the same at pleasure, and make such by-laws as may be deemed necessary for the government of said company and management of its affairs, not inconsistent with the laws of this Territory, or the constitution of the United States.

Authority.

Powers of corporations.

SEC. 2. That the corporation hereby created shall have power to purchase and hold, any quantity of land in Doniphan county, Kansas Territory, not to exceed six hundred and forty acres, and to lay the same off into parks, squares and lots, and to sell and dispose of, and convey the same by deed, and to purchase and re-convey any portion of the same, when necessary in transacting the legitimate business of said company.

Capital stock.

SEC. 3. That the capital stock of the company, hereby incorporated, shall not exceed the sum of one million dollars, and shall be paid in, as shall be ordered by the laws of said company.

Officers how chosen.

SEC. 4. That the stockholders of said company shall be the directors, to transact the business of said company. The stockholders shall choose from their own body a president and a secretary, and a treasurer, whose duties shall be prescribed by the by-laws of said company; a majority of said stockholders shall constitute a quorum for the transaction of business.

Quorum:

Of deeds of conveyance.

SEC. 5. That all deeds for the conveyance of the real estate of said company, shall be signed by the president of said company, and attested by the secretary, with the corporate seal attached, which shall be deemed and held a sufficient execution and authentication of such deeds, in all courts and elsewhere.

SEC. 6. That the company hereby incorporated, shall not, as such, purchase or sell any real estate, except as provided in this charter, nor shall they deal in exchange, or issue bills of credit, or deal as bankers.

Company shall not buy and sell land or deal in exchange, &c.

SEC. 7. That when a stockholder in the company hereby incorporated, shall die, the interest of such stockholder in said company, shall be disposed of, (if not otherwise disposed of by will,) in such manner as may be directed, by the court having jurisdiction of probate business for the county in which said company is located, on petition of heirs or administrator, or executor of such deceased stockholder.

If a stockholder die, his interest disposed of, how.

This Act to take effect and be in force from and after its passage.

[Signed,]

G. W. DEITZLER,
Speaker of House of Representatives.
 C. W. BABCOCK,
President of the Council.

Approved February 11, 1858.

J. W. DENVER,
Acting Governor.

CHAPTER CLXIX.

WYANDOTT COMPANY.

AN ACT to Incorporate the Wyandott Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SEC. 1. That Silas Armstrong, S. W. Eldridge, Daniel Rillen, Gaius Jenkins, E. B. Whitman, John McAlpin Robert Morrow, T. B. Eldridge, Thomas H. Swope, J. P. Root, Isaiah Walker, A. H. Mallory, W. Y. Roberts, J. M. Winchell, and the legal representatives of the estate of Joel Walker, deceased, now doing business under the name and style of the Wyandott City Association, be and the same are hereby erected into a body politic and corporate, by the name and style of the Wyandott Company, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in law or equity, in this Territory or elsewhere. Said company is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws and regulations

Names of coporators.

Authority.

as may from time to time be deemed necessary for the government of said company, and the management of its affairs.

Powers of corporation.

SEC. 2. The said company shall have power to hold, and dispose of at their pleasure, and to improve the same, all and singular, of the lands now held by the association aforesaid, in township eleven, (11) range twenty-five, (25) east of the sixth (6) principal meridian, and that all contracts, entered into by said association in their associated capacity, shall be binding upon the corporation hereby erected, and also binding upon the parties with whom said association have contracted for real estate, labor or other property, and the plat filed by said association in the office of the recorder of deeds, &c., of and for the county of Leavenworth, be, and the same is hereby made binding on all the parties concerned as the same would have been, had the said plat been filed by the corporate body, hereby erected, and the said company shall have power to purchase, hold and dispose of such other lands as they may from time to time see proper to purchase and hold, not to exceed one thousand two hundred and eighty acres, and divide, manage and dispose of the same at pleasure.

May pass by-laws &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, and at such time, as may be necessary to conduct the business of said corporation, and until otherwise ordered by said company. John McAlpin, the present trustee of said association, shall sign deeds for the conveyance of the real estate of said corporation, by direction of the company, and said deeds so signed, with the corporate seal attached thereto, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this Territory or elsewhere.

This Act to be in force from and after the date of its passage.

[Signed,]

G. W. DEITZLER,

Speaker of House of Representatives.

C. W. BABCOCK,

President of the Council.

Approved February 11, 1858.

J. W. DENVER,

Acting Governor.